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October 20, 2004

**VIA HAND DELIVERY**

Ms. Diane O'Quinn Williams, Director  
Miami-Dade County Department  
of Planning and Zoning  
111 NW First Street, 11th Floor  
Miami, Florida 33128

*NT Fojo  
have someone  
review - include  
info in rec -  
10/20/04*

**RECEIVED**

OCT 20 2004

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

*02-565  
BIC 11/1/04*

Re: *H.R. Realty & Investments, Inc.*  
*Appeal of Miami-Dade County Zoning Hearing Application No. Z2002000305*  
*Hearing Date: November 4, 2004 (County Commission)*

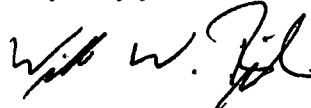
Dear Ms. Williams:

Our law firm represents the applicant in the above-styled matter. This application received approval before Community Zoning Appeals Board for District 15 on June 16th, 2004, but was appealed to the County Commission. At the Commission hearing on September 30th, 2004, which deferred consideration of this item until November 4th, 2004, our office represented that a Phase I Archaeological survey for the property would be prepared and delivered to your Department for review.

In accordance with this representation, I am enclosing a copy of an archeological survey prepared by Dr. Robert H. Baer, DPA, M.St, dated October 14, 2004. As described in the enclosed report, no prehistoric or historic archaeological resources were found to exist on the subject property.

As always, if you have any questions about the foregoing or enclosure, please do not hesitate to contact me at 305-375-6139.

Very truly yours,



William W. Riley, Jr.

cc: Maria Teresa Fojo, MDC Planning and Zoning (w/encl.)  
Alberto Torres, MDC Planning and Zoning (w/encl.)  
Jesus Davila, MDC Planning and Zoning (w/encl.)  
Hamid Saedi (w/o encl.)  
Stanley B. Price, Esq. (w/o encl.)  
Jerry B. Proctor, Esq. (w/o encl.)

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**Report of a Phase I Archaeological Survey  
Of A  
Tract Designated For Development**

**\***

**The H.R. Reality & Investments, Inc – Cottages of Silver Palm Site**

**\***

**Located At  
SW 232 Street & 102 Ave, in South Dade County, Florida**

**Report Prepared For  
Hamied E. Saedi, Sc.D.  
H.R. Reality & Investments, Inc.  
127 NE First Ave, Miami, Florida 33132**

**Report Prepared By  
Robert H. Baer, DPA, MSt  
Registered Professional Archaeologist**

**Assisted By  
Mr. Brian Conesa  
Field Assistant**

**October 14, 2004**

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### **Executive Summary**

On October 10, 2004, at the direction of the Miami – Dade County Archaeologist, a Phase I Archaeological Survey was performed on a portion of a property scheduled for development by H.R. Reality and Investments, Inc. This property is located in unincorporated South Dade County, Florida, with the south boundary of SW 232 Street, a west boundary of the Florida Turnpike – Homestead Extension and a north and east boundary of the Black Creek Canal. The property is located north of a tree island archaeological site documented on 10/12/78 on the Florida Master Site File as 8DA1031. Over the course of the Phase I Archaeological Investigation, fourteen shovel tests were performed on the H.R. Reality & Investment property. No prehistoric or historic archaeological resources were found in the tested area, or in the wider reconnaissance area.

### **Introduction**

On Thursday October 7, 2004 a request was made by Attorney, Stanley B. Price, Esq, representing Mr. Hamid R. Saedi, of H.R. Reality & Investments Inc, that a Phase I Archaeological Investigation be performed at the proposed building site of The Cottages of Silver Palm, located at SW 232 Street and 102 Ave, in unincorporated Dade County, Florida (Figure 1). This survey is required in response to an order issued by the Miami-Dade County Office of Historic Preservation, under Chapter 16A of the Code Of Miami-Dade County to determine the prehistoric and historic archaeological resources within the proposed project area.

### **Research Goal**

The proposed H.R. Reality & Investments Inc - Cottages of Silver Palms construction site is located in unincorporated South Dade County. The property is bordered on the south by SW 232 Ave, to the west by the Florida Turnpike – Homestead Extension, and on the north and east by the Black Creek Canal within Sections 17 and 20, Township 56 South, range 40 East in Dade County, Florida (Figure 2). The present site consists of approximately 80 acres, of which one half consists of a former gravel pit lake. The former gravel pit is surrounded by corridors of undeveloped land that are proposed for development. South of SW 232 Street, is a tree farm. On the north edge of the tree farm is a stand of trees, at one time, a tree-island designated by the State of Florida Master Site File as 8DA1031. An archaeological survey performed in 1978 states that “a surface scatter of lucina shell, bone (animal), and pottery defines the midden area. Near the SW

end of the island, two piles of limestone rocks testify to Seminole cultivation (Figures 3 & 4) (Carr, 10/12/78)". Due to the fact that this "tree island site" is located south of 232 Street and adjacent to the proposed "Silver Palms" property it has been deemed necessary by the Miami-Dade County Archaeologist that the following Phase I Archaeological Assessment be performed specifically on the H. R. Reality - Cottages of Silver Palm property north of SW 232 Street and the gravel pit lake. This survey is to be performed in the area directly opposite the above described tree-island site between SW 232 Street and the rock pit (Figure 5). The goal of the Phase I Archaeological Assessment is to determine if any cultural material related to the tree-island is present on the Cottages of Silver Palm property.

### **Natural Setting**

The project area is located in a lowland alluvial area approximately two and a half miles west of Biscayne Bay, six hundred and fifty meters east of the Florida Turnpike - Homestead Extension and three hundred and fifty meters south of Black Creek, a natural tidal creek that flows into Biscayne Bay through a mangrove zone southeast of the site. The H. R. Reality & Investment property was formerly a gravel pit, now a lake with surrounding corridors of property. The entire property area is approximately 80 acres. Access is made off of S.W. 232 Street, at a cell tower approximately one-quarter mile east of the Turnpike Extension. The site is reached by an unimproved grass track that runs north through a tree farm.

The project area is nearly devoid of natural species, populated predominately by Florida Holly, Brazilian Pepper, and Southern Pine with the exception of several Ficus trees that delineate the tree-island south of the project area. Aerial photos show that the present scrub foliage that grows along the south berm of the project area is new growth. A decade ago when the rock pit was in operation the project contained scattered pine, Florida holly and saw grass. Portions of the site are covered by vegetation; the soil consists predominantly of fill mined from the gravel pit lake. The bedrock is Miami Oolite Limestone, which is exposed throughout much of the area.

### **Cultural Setting**

Archaeologists have divided South Florida into several cultural regions and sub regions. The division has been based on assemblages of material culture and other data. The

property is in the Everglades Area of the South Florida Cultural Region, as defined by Griffin (1988) and this study.

### **Cultural Chronology**

#### ***Paleoindian Period (11500 B.C. to 6500 B.C.)***

Most of the evidence of Paleoindian occupation of Florida has been documented in areas north of Tampa. This phase of occupation was at a time when water levels were significantly lower than now and interior Florida's climate was drier. Vegetation was xerophytic and the fauna included many now extinct species.

Possible evidence of Paleoindian habitation has been found in South Florida at the Cutler fossil site (Carr 1986). Faunas documented at this site include modern and extinct species. Artifacts of the Early Paleoindian Period (11500 – 7500 BC) include lanceolate points of the Folsom and Clovis traditions. Biface tools, chert microliths and bone points were indicative of the Late Paleoindian Period (Milanich 1994).

#### ***Archaic Period (6500 B.C. to 1200 B.C.)***

As the Pleistocene Period ended with the melting of worldwide glaciers sea levels rose and the Holocene or modern geological times began, ca. 5000 to 7500 BC. At this time many of the animals hunted by the Paleoindian disappeared and the environment of Florida changed providing new resources to the native peoples of Florida. A gradual change in cultures during this time resulted in the Early, Middle and Late Archaic cultures. The Archaic period continued until 2000 to 500BC.

Most Archaic sites have been found outside southeast Florida. However, a site excavated in Dade County had radiocarbon dates of from 3100 to 2000 B.C. (Newman 1993). The Cheetum site had an Archaic component of human remains and faunal bone imbedded in a hard concretion. The concretion was located from 13-42 cm. below the surface. Radiocarbon dates from the bottom of the concretion 2.23 meters above sea level gave a date of 3100 B.C. and a sample from under a skull within the concretion had a date of 2000 B.C.

A similar concreted layer was found at the Peace Camp Site in Broward County (Mowers, 1972), which had a pre-ceramic layer. *Strombus sp.* celts below that layer had radiocarbon dates of 1100 B.C.

### ***Transitional (Terminal) (1200 BC to 200 BC)***

After 1200 BC the populations of Florida were substituting sand for fiber as a tempering agent in their ceramics manufacture. This semi-fiber ware is rare in Southeast Florida.

### ***Glades Period (200 B.C. to Historic Period)***

By 200 B.C. ceramic styles had changed from those that began around 2000 B.C. and contact was being made with populations outside of Florida. From 200 B.C. to the Historic period a trend of regional evolution was commonplace throughout Florida. Southeast Florida's regional cultures are called the Glades. Preglades (200 BC to AD 0) were the earliest of the Glades periods and are defined by the exclusive production of sand tempered ceramics with no decorations. Glades I Early Ware is identified by the production of sand tempered plain and spans the AD 0 to A.D. 500 time interval. During Glades I Late (AD 500-750) decorated types including Canepatch, Sanibel, Ft. Drum Incised, Ft. Drum Punctate, and Arch Creek appear in the archaeological record. Glades IIa, is marked by the presence of Miami Incised, Opa-Locka, and Carabelle (Weeden Island), and dates from A.D. 750 to A.D. 900. Glades IIb, dating from A.D. 900 to A.D. 1100, are distinguished by the Matecumbe Incised, Key Largo Incised, Carabelle, and Safety Harbor types. The period from A.D. 1100 to A.D. 1200 is considered Glades IIc. Only plain ware has been found, along with some Plantation Pinched, in Southeast Florida along with West Coast Safety Harbor and Weeden Island types. It should be noted that plain pottery was made from the beginning of the ceramic period up to historic times. Glades IIIa is known by the occurrence of Surfside, St. John Checked, Safety Harbor, and Weeden Island, which spans the period of A.D. 1200 to A.D. 1400. Glades IIIb, that include the interval between A.D. 1400 to A.D. 1513, is marked by Glades Tooled, St. John Checked, Safety Harbor, and Weeden Island. Glades IIIc (Contact Period) includes the Glades Tooled, St. John Checked and Surfside Incised types from before A.D. 1500 with the addition of ceramics of European origin (Griffin 1988, Milanich 1994).

### ***Historic Period (1513 to 1985)***

The people encountered by Europeans in south Florida during the early historic period were those of the Glades III culture. This population was greatly reduced until there was nearly none left by the middle of the eighteenth century (Milanich 1995).

Non-aboriginal visits and occupations, in the Glades Area, started with deserters from St. Augustine landing near present day Miami in 1566. These deserters later would garrison a post at Tequesta, an aboriginal village, at the mouth of the Miami River. A Jesuit Mission was established at the post in 1567. Evidently this mission was abandoned since the records indicate that the Jesuits established another mission in 1743 again at the mouth of the Miami River. A village at the 1743 mission contained about 180 people who were the remnants of the Calusa, the Keys and the Boca Raton. At that time three villages of one, two and four days travel existed inland and were the locations of a population of about 100 Mayaimies, Santaluces and Mayacas (Milanich 1995).

### **Seminole Settlement in Present South Dade County**

In the early nineteenth century the Seminoles moved into southeast Florida and generally occupied the same sites used by the Glades III populations. Subsequently these sites were affected by drainage of the Everglades in the early twentieth century causing some change of settlement patterns of the Seminoles (Covington 1993). The presence of the Seminole in the study area and region has been documented by Laxson (1959) and others (Coleman 1973, Mowers 1972, Williams 1979, Williams 1983).

The Seminoles had 37 extended families present in 22 camps scattered throughout the surrounding region. Most were concentrated in the Big Cypress Swamp, along the Miami River, and at Fisheating and Cow creeks (Covington 1993). Trading posts were established on the Miami River in 1850 from which the Seminole obtained access to material that they could not produce (Carr 1981). Trading declined after 1901 due to conservation laws and changing fashions that restricted the Seminoles from obtaining their main trade products, which were primarily animal products; specifically bird feathers.

### **Early South Dade Settlement**

At the time Florida became a possession of the United States in 1821 its southern half remained isolated and populated only thinly by small coastal settlements. Dr. Henry Perrine, a medical doctor turned tropical botanist, was the first Anglo - European to show any interest or knowledge of the area's productive qualities beyond a subsistence level. Perrine had come south for health reasons and became fascinated and passionate about



the commercial aspects of tropical plants – their identification, culture and transformation into useful products. Perrine's goal was to establish an operation to carry out these experiments but in a location where the climate and soil would support such a venture. Perrine's attention became centered on the region known as the Hunting Grounds in the new territory of Florida. It was an area rich in wild game and was easily accessible by boat via a small bay with a rock beach. Aboriginal peoples knew the Hunting Grounds for hundreds of years and Europeans became familiar with it very early on as evidenced by the noting of its location on some of the region's earliest maps.

Perrine lobbied the U.S. Congress tirelessly for a grant of land in southern Florida within proximity of the Hunting Grounds to establish an operation to test and identify these plants and plant products. The land grant was made 1847, interestingly though seven years after Perrine's death. Though the Perrine family made very weak attempts over the next fifty years at complying with the stipulations of the grant patent, Dr. Perrine's dream of a research facility for tropical plant experimentation on the U.S. mainland never materialized. The Perrine grant did and grant influenced and directed settlement patterns in the area for generations.

### **The Old Cutler Settlement**

Permanent settlement in the area of the Hunting Grounds began after the Civil War. Settlers filtered into the area and at least one town, Cutler, was found. Cutler was located north of the Perrine grant roughly at the intersection of SW 152<sup>nd</sup> Street and SW 68<sup>th</sup> Avenue and boasted a post office and a dock. Other homesteaders in the area, including some squatting on Perrine land, were scattered throughout the hammock and pineland. Many of these were small farming operations strung along Old Cutler Road where citrus and warm season crops such as tomatoes provided a modest income.

Henry Flagler also had a keen interest in the area as he pushed his Florida East-coast Railroad south to Key West. Flagler needed land to lay his tracks and that brought him into the land disputes surrounding the Perrine Grant. Eventually these disputes were settled and Flagler cemented his presence in the area by constructing the southernmost of his railroad hotels, the Richmond Cottage. The Cottage acted as a headquarters for Flagler operations in the area and survives today as part of the Deering Estate at Cutler located northeast of the present survey area.

### **The Deering Era in South Dade County**

With the arrival of rail service in the 1910s, the railroad began to draw populations away from coastal areas to the new towns like that sprang up along its tracks. Railroad towns like Perrine replaced coastal towns like Cutler with the promise of greater business opportunities and communication with the outside world.

At his estate at Buena Vista north of Miami Charles Deering was also experiencing the rapid changes that region was experiencing in the first decade of the twentieth century. The city of Miami continued to grow in size and population threatening to encircle him with unbridled development. Deering wanted to relocate to more secluded surroundings and could afford the move; he was one of the principal heirs to the agricultural equipment firm founded by his father and was considered one of the country's wealthiest individuals. His brother James was also a south Florida resident and builder of Vizcaya just south of Miami.

Through his acquaintances with John Kunkel Small and the botanist David Fairchild Deering became attracted to the south Dade area and its vast stretches of virgin hardwood hammock and extensive pineland. Deering began acquiring property in 1913. By 1915 had acquired the nearly 350 acres of south of SW 152<sup>nd</sup> Street, east of SW 72<sup>nd</sup> Avenue, west to the Bay to a line just south of the Richmond Inn. Deering took up residence in the Cottage, modified and began making plans to build a larger house. This house was completed in 1922. Deering also went about clearing his land holdings of all buildings left over from earlier waves of settlement. Some of these home sites are evident not only in early photographs; many artifacts remain both on the surface and below grade as evidence of occupation.

### **Methodology**

#### ***Documentary Research***

#### ***Historic Period***

Background studies of the historic and urban records included the processes used in the Prehistoric research. The investigation provided information regarding the transformation of the landscape since European settlement and associated settlement history. The study

utilized historic monographs, area studies and documents located in the archives of the Dade County Historical Commission. Known archaeological resources in the survey were researched by accessing the Florida Master Site File, National Register of Historic Places. Additional research utilized included: prior surveys, manuscripts, historical documents, early aerial photographs and other relevant sources. Another source of information used were recorded interviews with named informants.

### *Surface Reconnaissance*

It has been directed by the Miami – Dade County Archaeologist that the Phase I Survey be performed on that portion of the H. R. Reality property that lies directly north of the remains of the tree island site that has now been incorporated into a contemporary tree farm. The reconnaissance survey searched for indicators of prior ground disturbance, such as depressions, ditches, raised areas or any other indication of ground disturbance. Attempts to ascertain and document the nature and extent of previous disturbances were made. Documentation included photographs, maps, and exposed profiles. In evaluating the effect of disturbance, the nature of settlement and site formation processes were considered. For example, archaeological resources may be preserved beneath recent disturbances and if dry or wet areas may have been present in the past. The field survey included consideration of local topography and environment not evident on maps that would have affected the formation and preservation of archaeological sites.

On Sunday, October 10, 2004 an initial reconnaissance walking survey was conducted along the outer (north) perimeter of the remaining tree island and along the dirt road (SW 232 Street). The Phase I Archaeological Survey was directed to a portion of property north of SW 232 Street and the gravel pit lake on the H.R. Reality property (See arrows Figure 5). More specifically this portion of property lies directly north of the Archaeological Site designated 8DA1031, the remains of a tree island that now extends for approximately 90 meters in an east-west direction on the south side of SW 232 Street (also Figure 5). This visual survey was conducted, in part, to ascertain if there were surficial artifacts present as described in the 8DA1031 archaeological survey of 10/12/78. During this reconnaissance survey no cultural material was observed.

The reconnaissance survey continued on the H.R. Reality property with focus on the corridor of property lying directly north of SW 232 Street and the abandoned gravel pit

lake (shaded area Figure 5). The long axis of this area extends west to east for approximately 120 meters and with a narrow south to north axis from SW 232 Street to the gravel pit lake, a distance of approximately 100 meters. A visual reconnaissance of this area and contiguous areas west and east likewise revealed no surficial artifacts. Following the reconnaissance

### ***Subsurface Testing***

The subsurface 'corridor' area delineated above was investigated by shovel tests on Sunday, October 10, 2004. These tests were done in transects extending west/east and north/south with a site datum set on the westernmost shovel test location documented on GPS as 20.33.118 North; 80.21.386 West. Shovel tests were performed at 10 meter intervals west to east from this datum point, three offsets were performed from the west-east shovel test line (Figure 6). All soil was screened through 6.4 mm mesh. Photographs or drawings would have been made *in situ* of any diagnostic or significant artifacts and ecofacts, features, structures, and isolated finds. Shovel tests were not backfilled pending the inspection of the site by the Miami – Dade County Archaeologist

### **Shovel Test Results**

Test # 1. at datum point – E0N0. Test to 40 cm of gray fill mixed with crushed pieces of oolite limestone to bedrock.

Test # 2. E10N0. Test to 20 cm. Compacted fill to bedrock.

Test # 3. E20N0. Test in middle of roadway from gravel pit to SW 232 Street. Two (2) cm of gray soil to bedrock.

Test # 4. E30N0. Mixture of gravel and crushed limestone to bedrock at 18 cm.

Test # 5. E 40N0. Test to 13 cm. Gray soil, crushed limestone, and modern waste.

Test # 6. E50N0. Test to 6 cm. Gray soil to bedrock.

Test # 7. E60N0. Test to 18 cm. Intermixed limestone chips and gray soil.

Test # 8. E70N0. Bedrock at surface.

Test # 9. E80N0. Test to 12 cm. Gray fill to bedrock

Test # 10 E90N0. Test to 47 cm. 15 cm of gray fill mixed with limestone rubble; 6 cm of tan marl slough material; 12 cm of compacted black peat; 14 cm of water. This test area is indicative of former slough extending south from Black Creek to area of tree-island.

Test # 11. E100N0. Test to 14 cm. Black fill and loose limestone rock to bedrock.

**Three offsets performed from west-east test line**

Offset # 1, Test # 12. E35N3.8. Test to 9 cm. Gray fill to bedrock.

Offset # 2, Test # 13. E45N3.8. Test to 22 cm. Mixed limestone chips and gray fill to bedrock.

Offset # 3, Test # 14. E55N3.8. 2cm fill to bedrock.

**Conclusions**

Fourteen shovel tests were performed in the area designated for testing by the Miami – Dade County Archaeologist. No cultural material was found in any of the shovel test excavations, nor in the wider area inspected during the surface reconnaissance. It is the opinion of the Principal Archaeological Investigator that the designated survey area is free of cultural material indicative of a Prehistoric or Historic cultural site.

**Recommendations**

It is the opinion of the Principal Archaeological Investigator, Robert Baer, RPA, that the archaeological requirements as designated by the Miami – Dade County Archaeologist have been satisfied by this Phase I Archaeological Investigation. It is recommended that when any demolition or other ground disturbing activity takes place in those areas not tested during this survey that a Professional Archaeologist monitors those activities.

**Unanticipated Finds**

If during future ground disturbing activities any suspected archaeological resources are encountered the activity in the immediate area of the encounter should cease while the Florida Department of Historical Resources is notified and a professional archaeologist evaluates the resources. If human remains are encountered the provisions of Chapter 872.05 of the *Florida Statutes* will apply. Chapter 872.05 of the *Florida Statutes* states that, when human remains are encountered, all activity that might disturb the remains shall cease and may not resume until authorized by the District Medical Examiner (if the remains are less than 75 years old) or the State Archaeologist (if the remains are more than 75 years old). If human remains that are less than 75 years old are encountered, or if they are involved in a criminal investigation, the District Medical Examiner has jurisdiction. If the remains are determined to be more than 75 years old, then the State Archaeologist overtakes jurisdiction in determining appropriate treatment and options for the remains.

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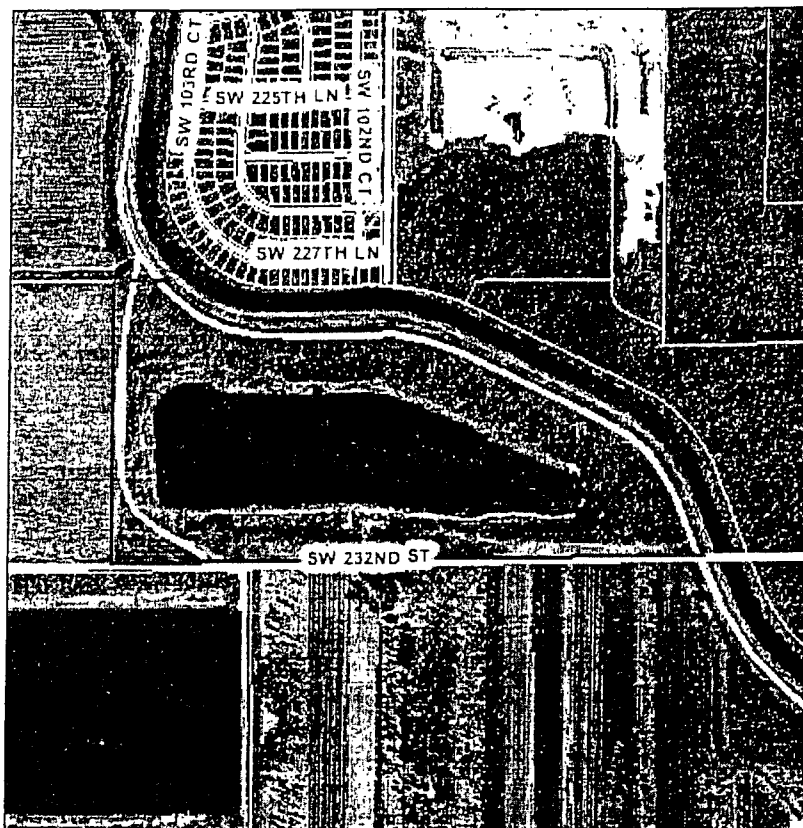


My Home  
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



0 — 386 ft

This map was created on 10/7/2004 1:40:40 PM for reference purposes only.

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Summary Details:

Folio No.:	30-6017-000-0051
Property:	
Mailing Address:	JORDASH INV & REALTY INC  705 ARVIDA PARKWAY CORAL GABLES FL 33156-2324

Property Information:

Primary Zone:	2100 SINGLE FAMILY RESIDENCE
CLUC:	0081 VACANT LAND
Beds/Baths:	0/0
Floors:	0
Living Units:	0
Adj Sq Footage:	0
Lot Size:	2,613,600 SQ FT
Year Built:	0
Legal Description:	17 56 40 60 AC M/L ALL SE1/4 OF SW1/4 & ALL SE1/4 OF SE1/4 & ALL SW1/4 OF SE1/4 LYG SLY & WLY BLACK CREEK CANAL R/W 73R-53247 LOT SIZE IRREGULAR

Sale Information:

Sale O/R:	14516-1575
Sale Date:	4/1990
Sale Amount:	\$520,000

Assessment Information:

Year:	2004	2003
Land Value:	\$612,030	\$551,820
Building Value:	\$0	\$0
Market Value:	\$612,030	\$551,820
Assessed Value:	\$612,030	\$551,820
Total Exemptions:	\$0	\$0
Taxable Value:	\$612,030	\$551,820

Figure # 2

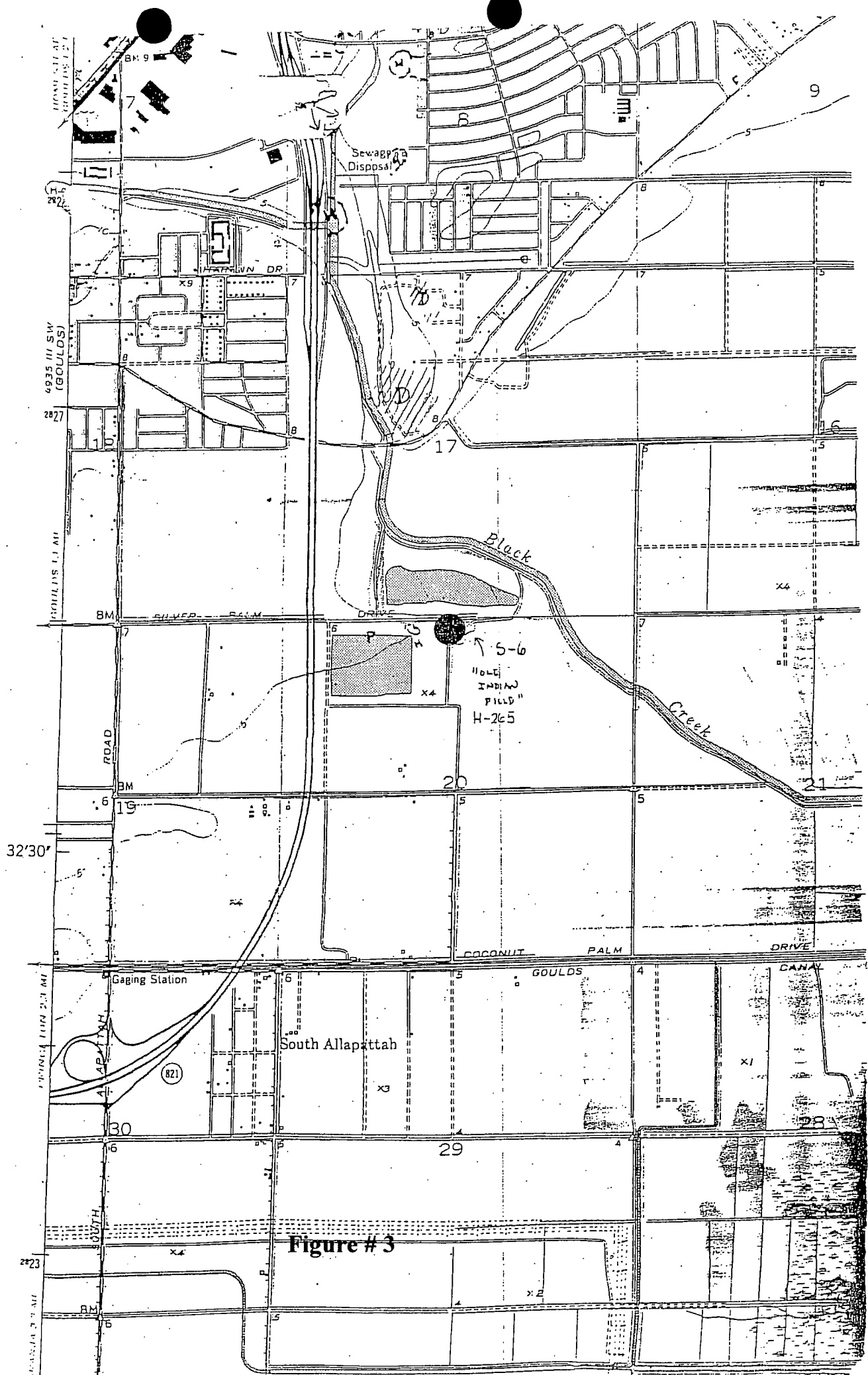
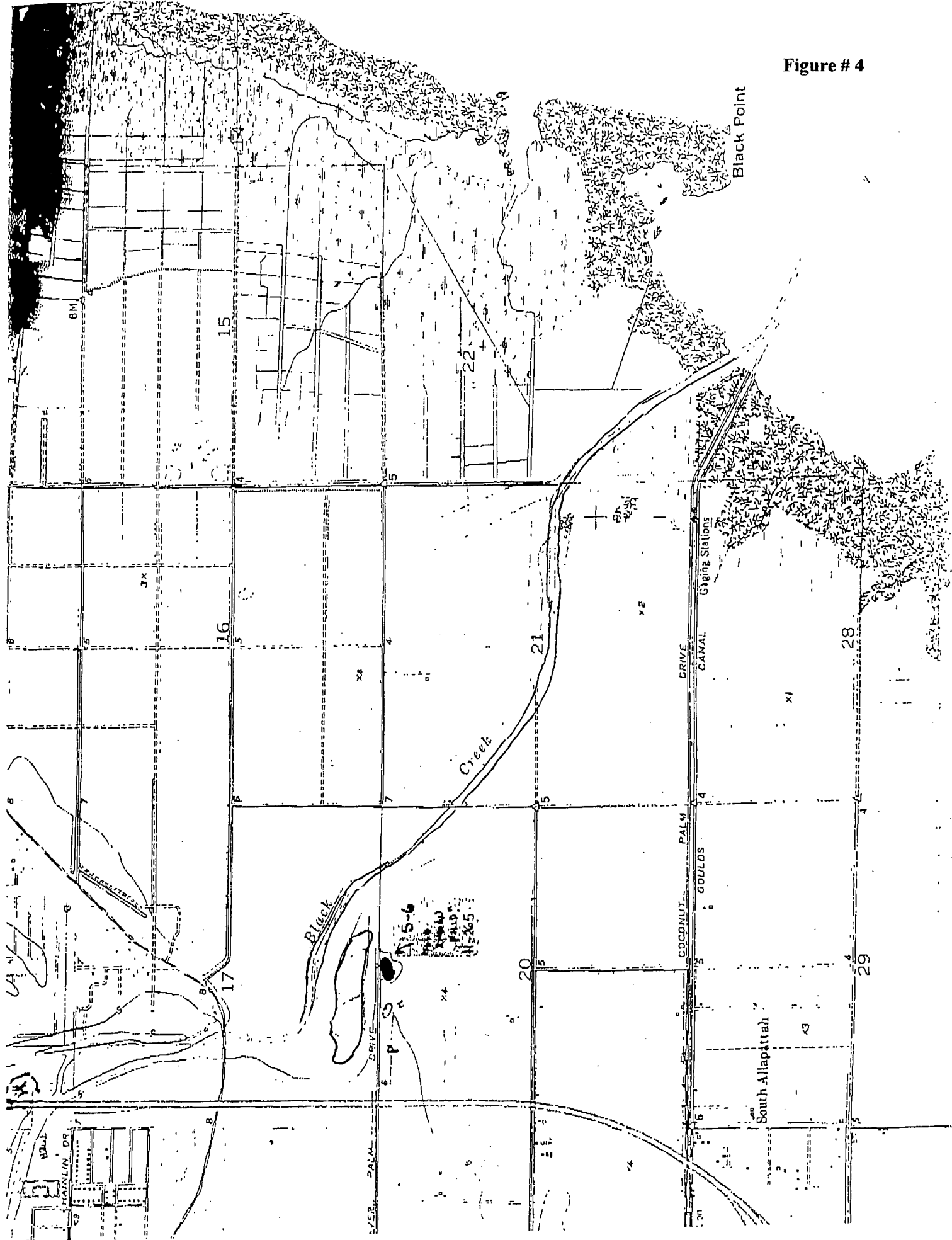
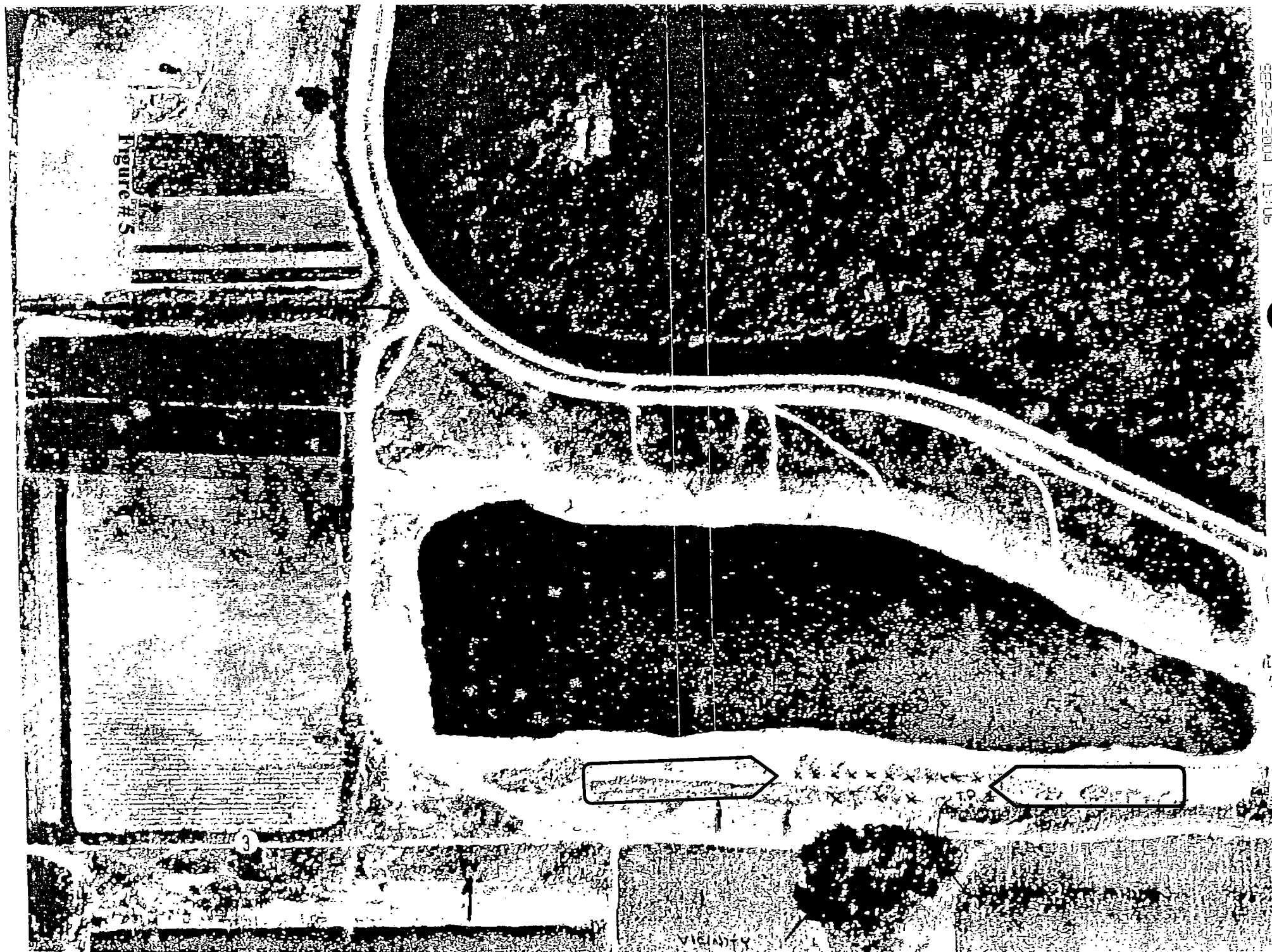


Figure # 4





Datum Point Coordinates  
20.33, 118 North  
80.21, 386 West

X - Datum Point  
E 0 N 0

X E 10 N 0

X E 20 N 0

ACCESS  
ROAD

X E 30 N 0

X ← Offset # 1 E 35 N - 3.8

X E 40 N 0

X ← Offset # 2 E 45 N - 3.8

X E 50 N 0

X ← Offset # 3 E 55 N - 3.8

X E 60 N 0

X E 70 N 0

X E 80 N 0

X E 90 N 0

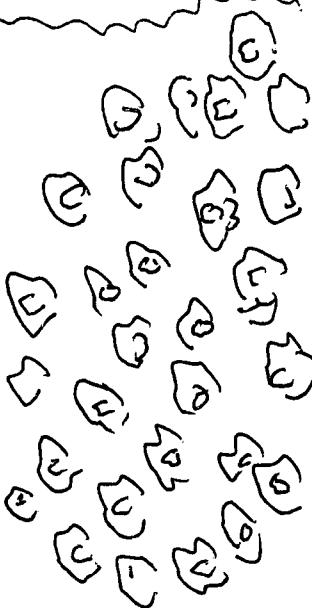
X E 100 N 0

U-E Tests at 10 m intervals  
offsets N - 3.8 m

Lake

UNIMPROVED 2127 ROAD  
SW 232 STREET

Tree  
Farm



Tree Island

Tree Farm

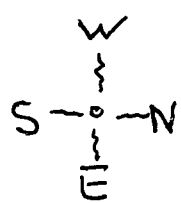


Figure # 6

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

May 11, 2004

**RECEIVED**  
MAY 12 2002

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

**VIA HAND DELIVERY**

Mr. Robert Coleman  
Zoning Processor  
Miami-Dade County Department  
of Planning and Zoning  
Stephen P. Clark Center, Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

Re: Miami-Dade County Zoning Application  
Applicant: H.R. Realty & Investments, Inc.  
Zoning Application No. 02-305 – Community Zoning Appeals Board 15  
Hearing Date: June 16, 2004

Dear Mr. Coleman:

In conjunction with our meeting earlier this morning and as an addition to the earlier modifications requested by our office to the public hearing advertisement associated with the above-referenced application, please accept this correspondence as our request to further modify said advertisement by inserting the following language:

Applicant is requesting a non-use variance to permit the construction of single-family homes with rear setbacks, of 15' where 25' is required for 50% of the homes width measured by lineal footage.

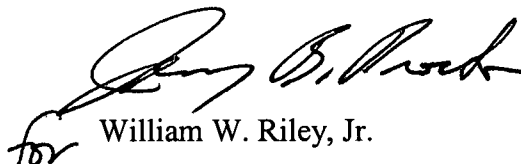
Please note that this request is solely applicable to that portion of the property subject to the Applicants' request for a district boundary change to the RU-1(M)(A) zoning classification, as set forth in the property legal description provided to your Department on May 6th, 2004.

Mr. Coleman  
May 11, 2004  
Page 2

Once this additional request is added to the public hearing advertisement, I would appreciate it if you would be so kind as to fax a copy of the revised draft to my attention at (305) 351-2285.

Thank you for your continued attention and assistance with this matter. As always, if you have any questions regarding the foregoing please do not hesitate to contact me at (305) 375-6139.

Very truly yours,

  
for William W. Riley, Jr.

WWR:

cc: Lynne Talleda  
Hamid Saedi  
Ed Silva  
Sergio Purrinos  
Stanley B. Price, Esq.  
Jerry B. Proctor, Esq.



**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2800 • MIAMI, FLORIDA 33131-5340

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E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

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Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

May 11, 2004

**RECEIVED**  
MAY 11 2002ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY \_\_\_\_\_

**VIA HAND DELIVERY**

Mr. Robert Coleman  
Zoning Processor  
Miami-Dade County Department  
of Planning and Zoning  
Stephen P. Clark Center, Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

Re: Miami-Dade County Zoning Application  
Applicant: H.R. Realty & Investments, Inc.  
Zoning Application No. 02-305 - Community Zoning Appeals Board 15  
Hearing Date: June 16, 2004

Dear Mr. Coleman:

In conjunction with our meeting earlier this morning and as an addition to the earlier modifications requested by our office to the public hearing advertisement associated with the above-referenced application, please accept this correspondence as our request to further modify said advertisement by inserting the following language:

✓ Applicant is requesting a non-use variance to permit the construction of single-family homes with rear setbacks, of 15' where 25' is required for 50% of the homes width measured by lineal footage.

Please note that this request is solely applicable to that portion of the property subject to the Applicants' request for a district boundary change to the RU-1(M)(A) zoning classification, as set forth in the property legal description provided to your Department on May 6th, 2004.

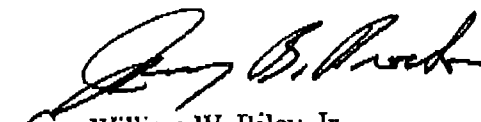
## BILZIN SUMBERG BAENA PRICE &amp; AXELROD LLP

Mr. Coleman  
May 11, 2004  
Page 2

Once this additional request is added to the public hearing advertisement, I would appreciate it if you would be so kind as to fax a copy of the revised draft to my attention at (305) 351-2285.

Thank you for your continued attention and assistance with this matter. As always, if you have any questions regarding the foregoing please do not hesitate to contact me at (305) 375-6139.

Very truly yours,



for William W. Riley, Jr.

WWR:

cc: Lynne Talleda  
Hamid Saedi  
Ed Silva  
Sergio Purrinos  
Stanley B. Price, Esq.  
Jerry B. Proctor, Esq.

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

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TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

*JERRY B. PROCTOR, ESQ.*  
*Direct Dial (305) 350-2361*  
*Direct Facsimile (305) 351-2250*  
*E-mail: jproctor@bilzin.com*

May 11, 2004

Via Hand Delivery



Mr. Bob Coleman  
Public Hearings Section  
Miami-Dade County Planning & Zoning  
111 NW First Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

Re: *H.R. Realty & Investments, Inc.*  
*Miami-Dade County Zoning Hearing Application No. Z2002000305 (CZAB 15)*  
*Hearing Date: June 16, 2004*

Dear Mr. Coleman:

Enclosed please find revised plans in conjunction with the above-styled application.

After meeting with representatives of your Department and the Public Works Department, the applicant has revised the site plans in conjunction with the application to:

-  1. Remove all building height in excess of 35'.
-  2. Eliminate the previously requested back-out area of 15' (22' required).  
The back-out area now complies with the Code.


Please reprocess these plans in conjunction with the RU-3M and RU-1M(a) legal descriptions provided to your office on May 7, 2004.

May 11, 2004  
Page 2

I would appreciate the opportunity to review the final advertisement before it is transmitted to the Daily Business Review.

Thank you.

Very truly yours,



Jerry B. Proctor

JBP:id

Encl.

cc: Lynne Talleda  
Hamid Saedi  
Ed Silva  
Sergio Purrinos  
Stanley B. Price, Esq.  
William W. Riley, Jr., Esq.

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

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*JERRY B. PROCTOR, ESQ.*  
*Direct Dial (305) 350-2361*  
*Direct Facsimile (305) 351-2250*  
*E-mail: jproctor@bilzin.com*

May 7, 2004

**RECEIVED**  
*7-02-305*  
**MAY 07 2004**

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

*BC*

Via Hand Delivery

Mr. Bob Coleman  
Public Hearings Section  
Miami-Dade County Planning & Zoning  
111 NW First Street, 11<sup>th</sup> Floor  
Miami, Florida 33128

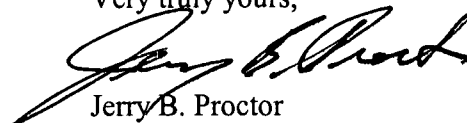
Re: *H.R. Realty & Investments, Inc.*  
*Miami-Dade County Zoning Hearing Application No. Z2002000305 (CZAB 15)*  
*Hearing Date: June 16, 2004*

Dear Mr. Coleman:

In conjunction with the above-styled application, please accept the attached legal descriptions that delineate the requested rezonings to RU-3M and RU-1M(a). The separate legal descriptions and acreages are noted for each portion of the application. Taken together, the property equals the total subject parcel for the hearing. The separate legals delineate the multi-family (townhouse) and single-family areas as shown on the site plan.

I would appreciate your preparation of a revised advertisement in conjunction with this submittal. Thank you for your cooperation.

Very truly yours,

  
Jerry B. Proctor

JBP:id

Encl.

cc: Lynne Talleda (w/encl.)  
Hamid Saedi (w/encl.)  
Ed Silva (w/encl.)  
Sergio Purrinos (w/encl.)  
Stanley B. Price, Esq. (w/o encl.)  
William W. Riley, Jr., Esq. (w/o encl.)

**RECEIVED**  
202-305  
MAY 07 2004

Page 1 of 2

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

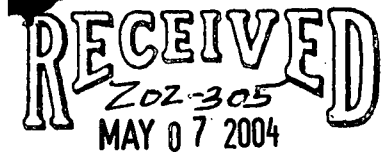
BY

*BC***RU-3M Area**

All of the Southeast Quarter (SE  $\frac{1}{4}$ ), of the Southwest Quarter (SW  $\frac{1}{4}$ ) and all of the Southwest Quarter (SW  $\frac{1}{4}$ ), of the Southeast Quarter (SE  $\frac{1}{4}$ ) and all of the Southeast Quarter (SE  $\frac{1}{4}$ ), of the Southeast Quarter (SE  $\frac{1}{4}$ ) of Section 17, Township 56 South, Range 40 East, lying Southerly and Westerly of the right-of-way of Black Creek Canal (C-1), in Miami-Dade County, Florida. Less and except there from the following parcel of land:

Begin at the Southwest corner of the Southeast Quarter (SE  $\frac{1}{4}$ ), of the Southwest Quarter (SW  $\frac{1}{4}$ ) of said Section 17; thence N 00°57'07" W for a distance of 180.32 feet to a point; thence S 88°59'48" E for a distance of 128.90 feet to a point; thence N 48°23'31" E for a distance of 133.66 feet to a point; thence S 90°00'00" E for a distance of 242.59 feet to a point; thence N 79°37'06" E for a distance of 77.87 feet to a point; thence S 90°00'00" E for a distance of 339.22 to a point; thence N 86°28'06" E for a distance of 217.13 feet to a point; thence S 85°24'52" E for a distance of 215.35 feet to a point; thence S 80°20'19" E for a distance of 228.13 feet to a point; thence N 88°20'44" E for a distance of 463.96 feet to a point; thence S 88°45'17" E for a distance of 208.58 feet to a point; thence N 50°34'24" E for a distance of 43.44 feet to a point; thence S 00°57'43" E for a distance of 251.19 feet to a point on the South line of the said Southwest Quarter (SW  $\frac{1}{4}$ ), of the Southeast Quarter (SE  $\frac{1}{4}$ ); thence S 89°22'47" W along said line for a distance of 962.83 feet to the Southwest corner of the Southeast Quarter (SE  $\frac{1}{4}$ ) of said Section 17; thence S 89°22'47" W along the said South line of the Southeast Quarter (SE  $\frac{1}{4}$ ), of the Southwest Quarter (SW  $\frac{1}{4}$ ) for a distance of 1330.43 to the Point of Beginning; said lands lying in and being in Miami-Dade County, Florida, said lands containing 13.00 acres, more or less.

Said lands lying in and being in Miami-Dade County, Florida. Said lands containing 47.38 acres, more or less.



Page 1 of 2

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY

*BC*

## RU-1 MA Area

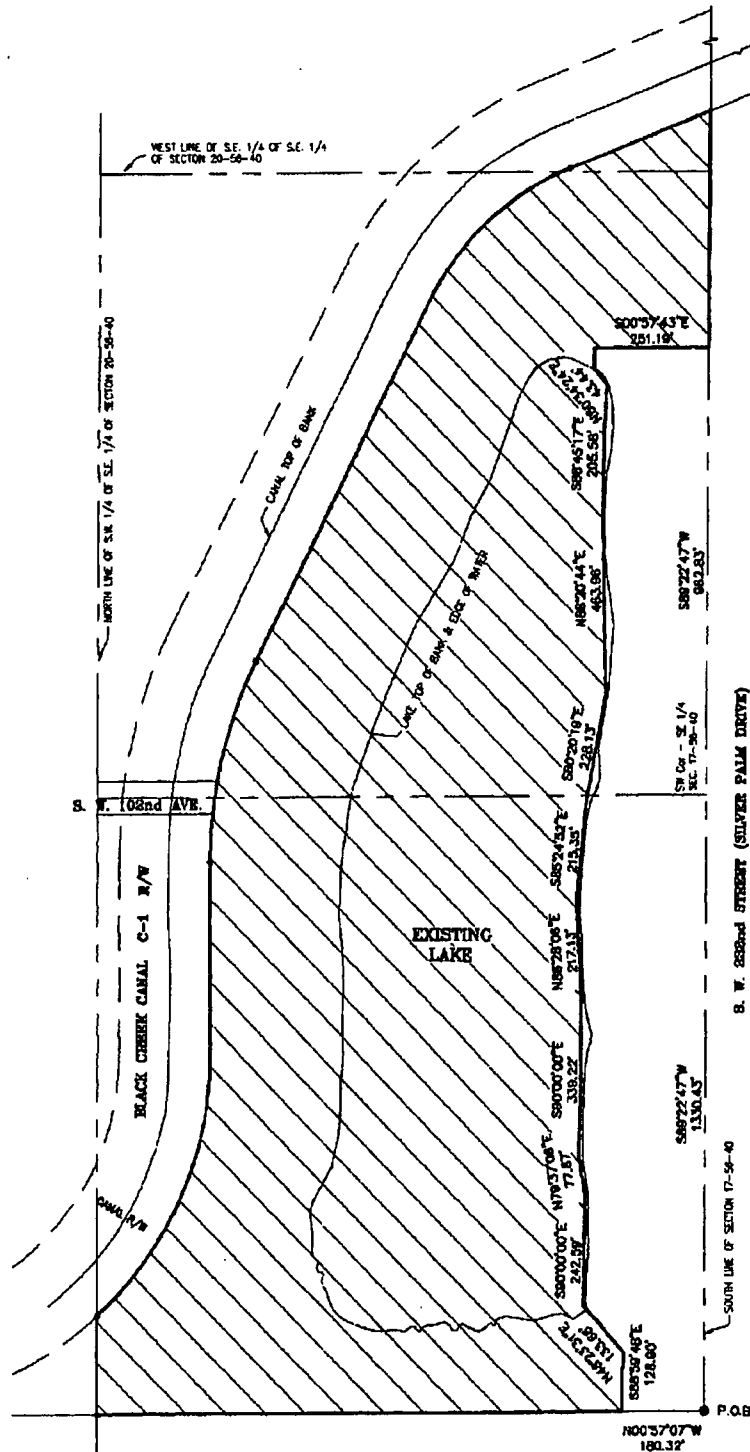
A portion of all of the Southeast Quarter (SE ¼), of the Southwest Quarter (SW ¼) and all of the Southwest Quarter (SW ¼), of the Southeast Quarter (SE ¼) and all of the Southeast Quarter (SE ¼), of the Southeast Quarter (SE ¼) of Section 17, Township 56 South, Range 40 East, lying Southerly and Westerly of the right-of-way of Black Creek Canal (C-1), in Miami-Dade County, Florida. Said portion being more particularly described as follows:

Begin at the Southwest corner of the Southeast Quarter (SE ¼), of the Southwest Quarter (SW ¼) of said Section 17; thence N 00°57'07" W for a distance of 180.32 feet to a point; thence S 88°59'48" E for a distance of 128.90 feet to a point; thence N 48°23'31" E for a distance of 133.66 feet to a point; thence S 90°00'00" E for a distance of 242.59 feet to a point; thence N 79°37'06" E for a distance of 77.87 feet to a point; thence S 90°00'00" E for a distance of 339.22 to a point; thence N 86°28'06" E for a distance of 217.13 feet to a point; thence S 85°24'52" E for a distance of 215.35 feet to a point; thence S 80°20'19" E for a distance of 228.13 feet to a point; thence N 88°20'44" E for a distance of 463.96 feet to a point; thence S 88°45'17" E for a distance of 208.58 feet to a point; thence N 50°34'24" E for a distance of 43.44 feet to a point; thence S 00°57'43" E for a distance of 251.19 feet to a point on the South line of the said Southwest Quarter (SW ¼), of the Southeast Quarter (SE ¼); thence S 89°22'47" W along said line for a distance of 962.83 feet to the Southwest corner of the Southeast Quarter (SE ¼) of said Section 17; thence S 89°22'47" W along the said South line of the Southeast Quarter (SE ¼), of the Southwest Quarter (SW ¼) for a distance of 1330.43 to the Point of Beginning; said lands lying in and being in Miami-Dade County, Florida, said lands containing 13.00 acres, more or less.

RECEIVED  
202-305  
MAY 07 2004

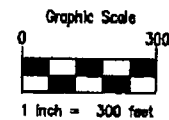
ZONING HEARINGS SECTION  
~~MIAMI-DADE PLANNING AND ZONING DEPT.~~

BY BC

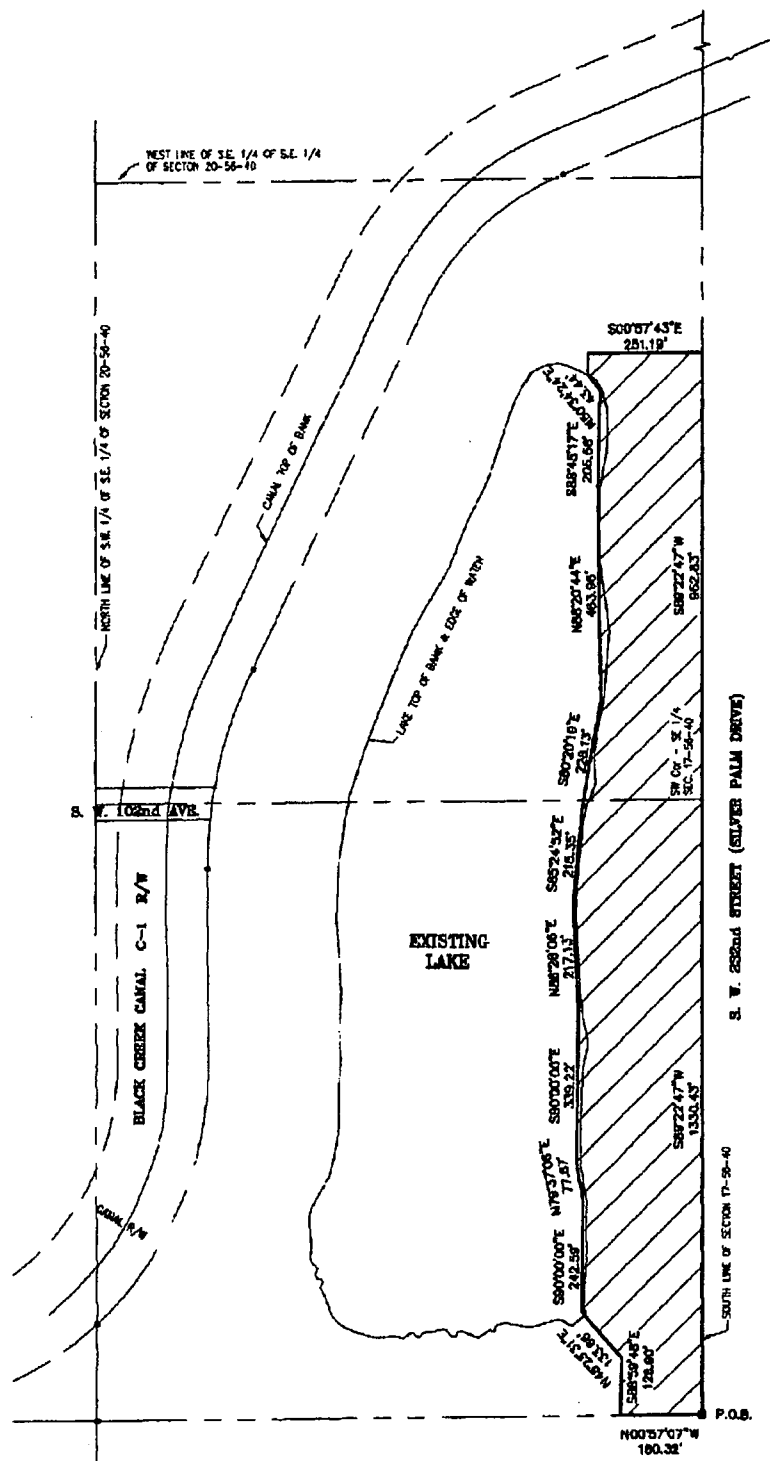


SKETCH TO ACCOPMANY LEGAL


Prepared By:  
*Schwabe-Shickin & Associates*  
Engineers, Surveyors, Planners  
11941 SW 144 St, Miami, FL 33186  
Ph: (305) 233-9210







Graphic Scale



0 300

1 inch = 300 feet

Page 2 of 2

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

April 19, 2004

**VIA COURIER**

Mr. Robert Coleman  
Zoning Processor  
Miami-Dade County Department  
of Planning and Zoning  
Stephen P. Clark Center, Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

**RECEIVED**  
202-305  
APR 23 2004

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY 130

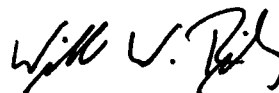
Re: *Miami-Dade County Zoning Application*  
*Applicant: H.R. Realty & Investments, Inc.*  
*Zoning Application No. 02-305 – Community Zoning Appeals Board 15*  
*Hearing Date: April 21<sup>st</sup>, 2004*

Dear Mr. Coleman:

In association with the above-referenced public hearing application, please find enclosed six (6) sets of revised landscaping plans prepared by Edward Silva, Architect, dated April 19th, 2004. By and through this submittal, we respectfully request that said plans be accepted to supercede the original landscaping plans for the Cottages of Silver Palm project submitted to your Department on March 23, 2004. The purpose of this request is to correct a scrivener's error appearing in the original plans. Specifically, the enclosed plans have been revised to provide a plant schedule showing trees ranging from 12' to 10' high at the time of planting rather than approximately 30' high as shown on the original plans.

Thank you for your attention to this matter. As always, if you have any questions regarding the foregoing, please do not hesitate to contact me at (305) 375-6139.

Very truly yours,



William W. Riley, Jr.

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

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Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

March 23, 2004

**VIA FACSIMILE**

Ms. Lynne Talleda  
Public Hearings Section  
Miami-Dade County Department of Planning and Zoning  
111 N.W. 1st Street, 11th Floor  
Miami, Florida 33128

Re: Miami-Dade County Zoning Application  
Applicant: H.R. Realty & Investments, Inc.  
Zoning Application No. 02-305 – Community Zoning Appeals Board 15  
Requested Hearing Date: April 21, 2004

Dear Ms. Talleda:

Please be advised that our office has reviewed the layman's advertisement notice associated with the above-referenced public hearing application. After reviewing said notice, our office would greatly appreciate your assistance in effectuating a few modifications to the advertisement. The current edition of the ad and the proposed modifications are set forth below:

Current Ad: The applicant is requesting a zone change from single-family modified estate district to minimum apartment house district, and an unusual use to permit lake filling. Also requesting to waive zoning subdivision requirements for section and half section line roads, and accompanying requests, on this site.

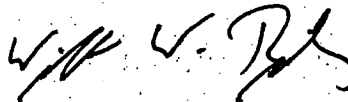
Proposed Ad: The applicant is requesting a zone change from single-family modified estate district to modified single-family district and minimum apartment house district, an unusual use to permit lake excavation and filling, and an unusual use to permit entrance features—to wit: a decorative fountain. Also requesting to waive zoning subdivision requirements for section line roads, and accompanying requests, on this site.

*Too Late  
Layman's Ad  
3/18 Dir  
Not include  
RU-1MA -  
Ad placed on  
agenda per  
AT.*

Ms. Talleda  
March 23, 2004  
Page 2

After you have had an opportunity to review the above request, I would appreciate it if you would contact me at (305) 375-6139 so that we may discuss this matter in more detail. Thank you.

Very truly yours,



William W. Riley, Jr.

WWR:

cc: Stanley B. Price, Esquire  
Jerry B. Proctor, Esquire

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

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TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

Jerry B. Proctor, Esquire  
Direct Dial (305) 350-2361  
Email: JProctor@Bilzin.com

March 17, 2004

**Hand Delivery**

Ms. Donna Jacoby  
Zoning Hearings Section  
Miami-Dade County  
Department of Planning and Zoning  
111 NW 1 Street, 11th Floor  
Miami, Florida 33128

Re: H&R Realty, Inc.  
Zoning Application No. Z2002000305 (CZAB 15)

Dear Donna:

Our firm represents the applicant in the above-styled matter. Revised plans were delivered to you today. In an effort to bridge the gap between the necessary processing work and a short timeframe for turnaround of necessary advertisements for the April 21, 2004 hearing for Community Zoning Appeals Board 15, please accept this attempt at a layman's advertisement for the hearing. Please make appropriate modifications, as necessary:

District boundary change from Estate Modified District to Minimum Apartment House District and from Estate Modified District to Modified Single-Family Residential District, together with associated non-use variances.

In addition, please note the attached legal descriptions for the RU-3M and RU-1M (a) portions of the property.

March 17, 2004

Page 2

Thank you for your cooperation. We would appreciate your assistance in placing this item on the April 21, 2004 agenda of Community Zoning Appeals Board 15.

Very truly yours,



Jerry B. Proctor

JBP:id

cc: Hamid Saedi

Stanley B. Price, Esq.

Ed Silva

Alberto Torres, Asst. Director, MDC Planning & Zoning Dept. (Delivery)

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

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E-mail: William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wiley@bilzin.com](mailto:wiley@bilzin.com)

*My hope - my understanding  
from Lynne is that this is  
not "salvageable" - if you*

November 14, 2003

*agree, pls.  
notify Wm Riley  
ASAP.*

**VIA HAND DELIVERY**

Ms. Diane O'Quinn Williams  
Miami-Dade County Department of  
Planning and Zoning  
Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

Re: **H.R. Realty & Investments, Inc.**  
**Public Hearing Application No. Z2002000305**

Dear Ms. Williams:

*11/14*  
**RECEIVED**  
NOV 18 2003  
ZONING SERVICES DIVISION, DADE COUNTY  
DEPT. OF PLANNING & ZONING  
BY \_\_\_\_\_

The above-referenced public hearing application is scheduled to be heard by the Miami-Dade County Community Zoning Appeals Board 15 on December 9th, 2003. Earlier this week, however, our office learned that the public notice provided as a courtesy to neighboring property owners contained an error. Specifically, the notice, which was date stamped by the U.S. Postal Service on November 8th, 2003, indicates that the subject application will be heard by CZAB 15 on September 23rd, 2003, rather than the correct date—December 9th, 2003. A copy of this notice is attached hereto for further review.

Since learning about this error, our office has confirmed with the Agenda Coordinators Office that the application was properly advertised in the Neighbors (South) Section of the Miami Herald on November 13th, 2003, including being advertised with the correct hearing date. We are currently in the process of obtaining a true and correct copy of this advertisement from the Miami Herald. Once we have a copy of the ad as it appeared in the paper we will forward a copy to your office.

In consideration of the advertisement for public hearing published in the Miami Herald, a newspaper of general circulation, it is our understanding and belief that the subject application has been legally advertised in accordance with both state and local laws. As such, we respectfully request your support in allowing the subject application to proceed on the merits at the December 9th, 2003, public hearing.

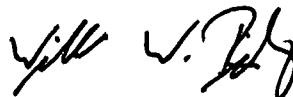
Ms. Diane O'Quinn Williams

Page 2

November 14, 2003

Thank you for your attention and your assistance with this matter. As always, if you have and questions regarding the foregoing or the enclosure, please do not hesitate to contact me at (305) 375-6139.

Very truly yours,

A handwritten signature in black ink, appearing to read "Will W. Riley", written in a cursive style.

William W. Riley

WWR:

Enclosures

cc: Lynn Talleda (w/ enclosures)  
Robert Coleman (w/ enclosures)  
Stanley B. Price, Esquire



*Nov 20, 2004*

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22002000305 C15  
JORDASH INV & REALTY INC  
705 ARVIDA PARKWAY

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UNITED STATES POSTAGE  
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MAILED FROM ZIP CODE 33312

# MIAMI-DADE COUNTY NOTICE OF PUBLIC HEARING

HEARING NUMBER:  
APPLICANT NAME:

02-305  
H.R. REALTY & INVESTMENT

THE APPLICANT IS REQUESTING A ZONE CHANGE FROM  
SINGLE-FAMILY MODIFIED ESTATE DISTRICT TO MINIMUM  
APARTMENT HOUSE DISTRICT, ON THIS SITE.

LOCATION: LYING ON THE NORTH SIDE OF THEORETICAL  
SM 232 STREET AND EAST OF THEORETICAL SM 107  
AVENUE, MIAMI-DADE COUNTY, FLORIDA.

SIZE OF PROPERTY: 60 ACRES MORE OR LESS

THIS ITEM WAS DEFERRED FROM A PREVIOUS MEETING OF  
THIS BOARD.

YOU ARE NOT REQUIRED TO RESPOND TO THIS NOTICE. HOWEVER, OBJECTIONS  
WAVES OF OBJECTION MAY BE MADE IN PERSON AT HEARING OR FILED IN WRITING PRIOR  
HEARING DATE. IT IS RECOMMENDED THAT SAME BE MAILED AT LEAST FIVE DAYS (EXCLUDING  
SATURDAYS, SUNDAYS AND HOLIDAYS) BEFORE HEARING DATE. REFER TO HEARING NUMBER  
ON CORRESPONDENCE AND MAIL SAME TO MIAMI-DADE COUNTY DEPARTMENT OF PLANNING  
AND ZONING AGENDA COORDINATOR, 111 NW 1 STREET, SUITE 1110 MIAMI FLORIDA 33128-19  
FOR FURTHER INFORMATION, PLEASE CALL (305) 271-1042 AND DIRECT DIAL: 1-416 OR FAX  
SPANISH: 24-1-6 PAUSING BETWEEN NUMBERS. IF YOU ARE IN NEED OF A TRANSLATOR, AT  
THIS MEETING, ONE CAN BE PROVIDED FOR YOU AT NO CHARGE. PLEASE CALL  
AT LEAST TWO WEEKS IN ADVANCE OF THE MEETING DATE.

HEARING WILL BE HELD AT THE  
SOUTH DADE GOVERNMENT CENTER  
10710 SW 211 STREET  
ROOM 203 (OLD BUILDING)  
MIAMI, FL.

COMMUNITY ZONING APPEALS BOARD  
DATE 09/23/2003  
TIME 7:00 PM

NOTICE OF PUBLIC HEARING

DEPARTMENT OF PLANNING AND ZONING  
SUITE 1110  
111 NW 1 STREET  
MIAMI, FL 33128-1974

22002000305 C15  
JORDASH INV & REALTY INC  
705 ARVIDA PARKWAY

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

June 3, 2003

**VIA HAND DELIVERY**

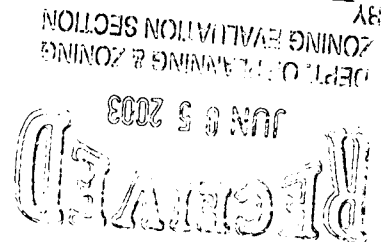
Mr. Terry Rolle  
Miami-Dade County Department of Planning and Zoning  
111 N.W. First Street, 11th Floor  
Miami, FL 33128

Re: *H.R. Realty & Investments, Inc.*  
*Miami-Dade County Zoning Hearing Application No. Z2002000305*  
*Property Folio Identification Number: 30-6017-000-0051*

Dear Mr. Rolle:

Pursuant to discussions at our meeting earlier today, I am enclosing a copy of the site plan associated with the above-referenced application. As I indicated at that time, the enclosed site plan represents the most current draft version of the proposed residential development but may be further modified as the Applicant continues to be engaged in negotiations with the Miami-Dade County School Board regarding potential land dedication agreements, the Miami-Dade County Public Works regarding project roadway configurations, as well as the Department of Planning and Zoning regarding principles of new urbanism.

Additionally, I am enclosing a copy of the Applicants' proposed Declaration of Restrictions that significantly limits the development density of the subject property. Again, as we discussed, these declarations have previously been provided to the Department of Planning and Zoning for review but have not been formally executed due to the fact that the Attorney's Opinion of Title which must accompany such submittals is valid for only a short period of time and the application continues to be delayed due to the constraints imposed by *Miami-Dade County v. Omnipoint Holdings, Inc.*

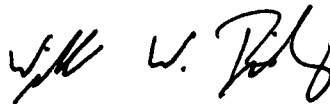


Mr. Rolle  
June 3, 2003  
Page 2

Lastly, I would like to remind you that the Applicant is requesting, among other things, a unusual use to legalize the existing 22±-acre lake tract excavated on the subject property in the early 1970's as well as a non-use variance to permit the vacation of a public right-of-way comprising a portion of theoretical SW 102nd Avenue. Unfortunately, the standards associated with these types of requests were declared to be unconstitutional by the Third District Court of Appeal's in the *Omnipoint* decision. Consequently, the application is currently precluded from proceeding to public hearing on the merits. Therefore, please accept this letter as an official notification of our intent to seek a deferral before Community Zoning Appeal Board 15 on June 24, 2003.

If you have any questions regarding the forgoing request, please do not hesitate to contact me at (305) 375-6139. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. W. Riley, Jr.', written in a cursive style.

William W. Riley, Jr.

This instrument prepared by :  
William W. Riley, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
2500 First Union Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2336

(Space Above For Recorder's Use Only)

### **DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" attached hereto and made a part hereof (hereinafter called the "Property"); and

*WHEREAS*, the Owner has filed a zoning application with the Miami-Dade County Department of Planning and Zoning referred to as Public Hearing Application No. Z02-305; and

*IN ORDER TO ASSURE* the **Board of County commissioners and/or Community Zoning Appeals Board No. 15 of Miami-Dade County, Florida**, that the representations made to them by the Owner during consideration of Public Hearing No. Z02-305 will be abided by the Owner, its successors or assigns freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

- (1) That this Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County and is conditioned upon the approval of Public Hearing Application No. Z2002000305 by the Board of County Commissioners and/or Community Zoning Appeals Board No. 15 of Miami-Dade County, Florida and the expiration of all applicable appeal periods.
- (2) That said Property shall be developed substantially in accordance with the plans previously submitted and entitled "H.R. Realty & Investments, Inc." (the "Site Plan") as prepared by Consulting Engineering & Science, Inc., consisting of one (1) sheet, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this Declaration.
- (3) That the residential development of the Property shall be limited to no more than one hundred ninety-five (195) dwelling units.
- (4) **County Inspection**. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of

## Declaration of Restrictions

Page 2

entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

- (5) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.
- (6) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by a majority of the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- (7) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Department of Planning and Zoning, or his or her successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
- (8) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit, pertaining to or arising out of this Declaration shall be entitled to recover, in

**Declaration of Restrictions**

Page 3

addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his or her attorney. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

- (9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event payments or improvements or donations are not made in accordance with the terms of this Declaration, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- (10) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (11) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (12) **Severability.** Invalidation of any one of these covenants, by judgment of Court, in no way shall affect any of the other provisions which shall remain in full force and effect.
- (13) **Recording.** This Declaration shall become final and shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a final resolution approving the application.

Signed, witnessed, executed and acknowledged this \_\_\_\_ day of \_\_\_\_\_, 2002.

**Declaration of Restrictions**  
Page 4

Witnesses:

H.R. REALTY & INVESTMENTS, INC., a Florida corporation

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Farajollah Saedi, President  
Address: 705 Arvida Parkway  
Miami, Florida 33156

\_\_\_\_\_  
Print Name: \_\_\_\_\_

## Page 5

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by Farajollah Saedi, as President of H.R. REALTY & INVESTMENTS, INC., a Florida corporation who is personally known to me or produced a valid driver's license as identification.

Print Name: \_\_\_\_\_

Serial No. (None, if blank): \_\_\_\_\_

[NOTARIAL SEAL]



**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

E-mail: William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

April 3, 2003

**VIA HAND DELIVERY**

Ms. Diane O'Quinn Williams  
Miami-Dade County Department of  
Planning and Zoning  
Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

**RECEIVED**  
202-305  
APR 04 2003

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY BC

**Re: H.R. Realty & Investments, Inc.  
Public Hearing Application No. 02-305**

**SECOND SUPPLEMENTAL LETTER OF INTENT**

Dear Ms. Williams:

In accordance with your Department rules and regulations, please accept this letter as a second supplement to, and where inconsistent with, superseding our formal letter of intent filed on October 7th, 2002, in connection with the above-referenced application. This firm represents H.R. Realty & Investments, Inc., the applicant and owner of the subject property (hereinafter the "Applicant").

The Applicant still seeks a district boundary change from EU-M to RU-3M. Additionally, however, the Applicant respectfully requests, by and through the enclosed revised Miami-Dade County Zoning Application, the following: (1) An unusual use approving the 22±-acre lake tract excavated on the Subject Property in the early 1970's; (2) An unusual use permitting the grading, leveling, perimeter restoration, and sloping of the banks along the existing lake tract at a lower gradient than required by Section 3-16 of the Miami-Dade County Code; and (3) A non-use variance to permit the vacation of a public right-of-way comprising a portion of theoretical SW 102nd Avenue.

Ms. Diane O'Quinn Williams

Page 2

April 3, 2003

A review of the Miami-Dade County aerial photographs indicates that the excavation of the existing 22±-acre lake situated on the subject property occurred during or about 1972 for the assumed purpose of providing landfill for the construction of the South Dade Florida Turnpike Extension. The excavation of the 22±-acre lake proceeded, at that time, without first obtaining approval at a public hearing. In fact, research reveals that no public hearing was ever held regarding the excavation of said lake area. Nevertheless, an article published in the Miami Herald on Sunday, May 30, 1976, a copy of which is attached hereto, indicates that the then owner of the subject property was under contract with the State of Florida to provide landfill for the South Dade Turnpike Extension.

Neither the Applicant nor the Applicant's heirs were the owner of the subject property at the time of the excavation. Rather, the Applicant only recently learned that the excavation of the lake was conducted without a public hearing. Therefore, in order to ensure compliance with the current Miami-Dade County Code of Ordinances (the "Miami-Dade County Code"), the Applicant respectfully submits this revised application seeking, in part, zoning approval for the existing 22±-acre lake tract situated upon the subject property. Additionally, in order to bring the lake area into closer compliance with the provisions of the Miami-Dade Code County, the Applicant also requests an unusual use permitting the grading, leveling, perimeter restoration, and sloping of the banks along the existing lake tract; although, due to the preexisting slope level of the lake, at a lower gradient than required by Section 3-16 of the Miami-Dade County Code.

Lastly, the Applicant respectfully requests a non-use variance to permit the vacation of a public right-of-way comprising a portion of theoretical SW 102nd Avenue. Theoretical SW 102nd Avenue extends across the center of the subject property, from Black Creek Canal to Silver Palm Drive, and crosses the entire width of the 22±-acre lake tract. Because of this positioning of SW 102nd Avenue and the preexisting lake area, the Application requests approval to vacate that portion of the public right-of-way that extends from the Black Creek Canal right-of-way boundary to Silver Palm Drive as shown on the plans that are on file with your Department. This request, however, in no way alters the Applicant's prior agreement that, if the current application is approved, development of the subject property will be accompanied by construction of a public covert across Black Creek Canal, connecting SW 102nd Avenue with the subject and surrounding properties, at the sole cost to the property owner.


Ms. Diane O'Quinn Williams

Page 3

April 3, 2003

This request remains consistent with the Comprehensive Development Master Plan and compatible with the surrounding community. In consideration of the foregoing, we look forward to your favorable review. Should you have questions or require additional information, you are welcome to call my office at 305-375-6139.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. W. Riley", written in a cursive style.

William W. Riley

Enclosures

cc: Stanley B. Price, Esquire



**COURTHOUSE  
REPORT**  
charles kimball

## Millers Pond Project Hit By Foreclosure

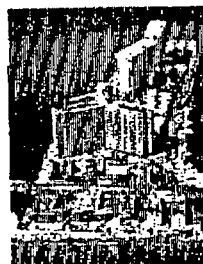
One of the largest new subdivisions of homes and condominiums in Dade County has been named in foreclosure proceedings. The project is Millers Pond, Bird Road and SW 137th Avenue, Dade County. In 1973 a half section of land at that location was purchased by Viking Realty Inc., a firm whose officers include Robert Marlin. The 320 acres cost a total of \$6,400,000. The sellers, including the Mackle Co., took back a purchase money mortgage for \$4,544,000. In order to develop the land for building sites, Viking borrowed an additional \$12.7 million from Housing Investment Corp. of Florida. The lender in a lawsuit filed before Judge James W. Kehoe in Dade Circuit Court charges that the land loan is in default. A total of \$7,999,458 is due in principal and \$194,216 in unpaid interest has accrued. An additional \$2,962,577 is owed on the mortgage to Mackle. If Judge Kehoe finds the mortgage is indeed in default, he could order a public auction of the entire project.

### Rockpit Case Continues

Attorneys for J. Bruce Vining, a Dade County real estate broker, claim that newly discovered evidence should exonerate their client from a judgment awarded by Circuit Court Judge Thomas A. Testa. The circumstances of the case go back to events that started in 1971. Vining had conferred with officials of the J. E. Greiner Co. and learned that a large amount of fill would be needed by the Florida State Department of Transportation in order to complete certain parts of expressways under construction in southwest Dade County.

Harold C. Smith owned 40 acres of land at Silver Palm Drive near SW 102nd Avenue, that was suitable for a rockpit from which the needed fill could be taken. Smith stated that Vining approached him about selling his property early in 1971. Smith claims that he agreed to permit Vining to act as his broker on the sale of his 40 acres. A contract was presented thereafter under which a buyer, Lemon Monday, agreed to pay \$180,000 for the parcel. During testimony in a lawsuit filed in 1975, Vining admitted that he helped Monday open his bank account into which \$5,000 was deposited. Vining testified "I have no idea" when asked where Monday obtained the \$5,000.

## Anything, anyone?



Tennis courts, swimming pool, marina, saunas, game room and more are part of your every day life at Arlen House East. 1 bedroom, convertible and 2 bedroom apartments, with ocean and bay views, from \$39,990.



**ARLEN HOUSE EAST**  
158th St. & Collins Ave., Miami Beach, Florida 33160.  
Sales office phone: (305) 947-0016.

Sunday, May 30, 1976

THE MIAMI HERALD

35-K



## Aventura your budget's best friend.

300 acres of open spaces,  
40 acres of lakes surrounding  
1 and 2 bedroom lower  
condominiums  
(\$32,000-\$53,000). 2 and  
3 bedroom garden apartments  
and townhouses  
(from \$53,000).

## AVENTURA

Between the Intracoastal  
Waterway on Biscayne Blvd.  
at 199th St., N. Miami Beach.  
9 AM to 6 PM, every day.  
(305) 931-3100.



## THE BUILDERS LAUGHED WHEN I SAT DOWN TO DESIGN A —

- 3 BEDROOM PLUS FAMILY ROOM AND 2 BATH, ONE-STORY DUPLEX FOR LESS THAN \$32,000
- 2 BEDROOM, PLUS FAMILY ROOM AND 2 BATH, ONE-STORY TOWNHOUSE FOR LESS THAN \$30,000

BUT I DID IT. COME SEE FOR YOURSELF!

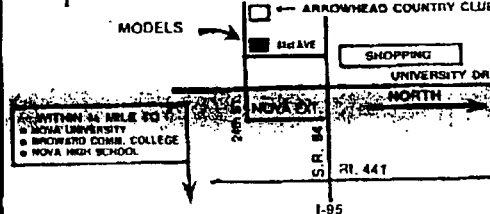
## ONLY 4 LEFT IN 1st SECTION THE MEWS AT ARROWHEAD

JAY FARING

ARROWHEAD DRIVE (10th AVE) BETWEEN ROUTE 84 AND S.W. 24th ST.

Take I-95 or Turnpike to 84, turn west to one block past University Dr., then left to end of street.

DAVIE, FLORIDA — PHONE 792-5060  
FROM MIAMI: CALL COLLECT



“ 106 ”

tenus. Under these agreements at least 800,000 cubic yards of fill would be removed from the Smith tract at a price of 39-cents per yard. In all Vining earned a cash income from the state of \$334,000 because of his investment in the property.

The sale by Smith to Stafford was completed in May, 1971, and title to the property was transferred into Vining's name. State of Florida statutes impose on all licensed brokers well-defined duties including a legal obligation to make a full, fair, and prompt disclosure of all facts within his knowledge which could be material to the sale of any property on which he was acting as a broker. In the lawsuit filed for Smith by attorney William A. Daniel Jr. he charged Vining with defrauding Smith for failure to reveal his secret interest and contracts with the State of Florida. The Smiths would not have sold their property if the true facts had been known, their suit contends. Based on all the testimony and evidence submitted, Judge Testa found that there was a confidential relationship between Vining and Smith and that Vining had "wholly failed to inform" Smith as he legally was obligated to do. As a consequence Judge Testa ordered a judgment entered in favor of Smith. Meanwhile, an attorney for Vining filed a motion charging that new evidence would indicate that Vining was not acting as a broker in the sale of the land. M. Charles Nackley, counsel for Vining, had testified, however, "I think there was a broker relationship." And Daniel added that on a contract submitted to Smith there was a clause in which Vining claimed he was the broker. Vining has vigorously defended the charges brought against him but in April Judge Testa denied a petition for rehearing. A jury trial to determine the amount of damages has been set for this September.

### Dade's Leading Homebuilders

Final figures for the first four months of 1976 reveal that as of May 1, the leading homebuilder in Dade County continued to be Daniel Perez. He is the developer of International Gardens, SW 119th Avenue and the Tamiami Trail. In addition to planning the entire community which takes up a square mile, Perez is also building homes. The sale of 45 new houses during the four months gave his firm an approximate income of \$3.1 million, the highest in Dade for the period. The average price of one of the Perez residences is \$56,500. Moving into the leading spot in terms of the total number of homes sold in one subdivision during the survey period was Centex Homes Inc. which is promoting Winston Park on North Kendall Ave near SW 129th Avenue. The firm has delivered 67 new homes so far this year. The average price at Winston Park is \$45,461. The third ranking firm in the county is the Lennar Corp., which builds at several locations at different price combinations. The company is active as F. & R. Builders, M. S. Jennings Const. continues to build all builders of luxury homes. His income from ranked his company fourth with just 19 closings. Average price paid for a Jennings home was \$21. Moving into the top ten was Miami Lakes a city being built by the Sengra Development Corp. in builds in Miami Lakes.

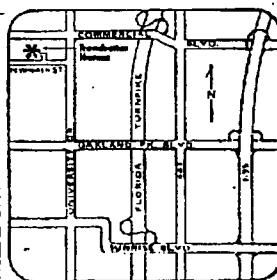
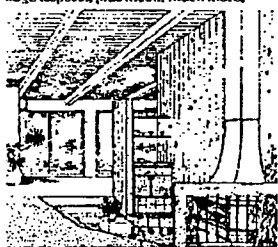
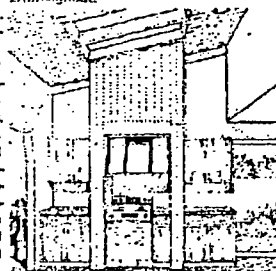
	Sales	Dollar
International Gardens (Daniel Perez)	56	\$3,164,600
Centex Homes (Winston Park)	67	3,045,900
Lennar Corp. (F. & R. Builders)	77	2,604,900
M. S. Jennings Const.	19	2,377,000
Florida Lakes (C. A. Graham)	65	2,036,200



## california-ish means backgammon in the jacuzzi.... or whatever other game you might prefer...

For years designers of homes in California have concerned themselves with the convenience and aesthetic aspects of living. The things that make a house a home and that our main concern at Trendsetter. Our California-ish homes all have 3 bedrooms 2 baths with a 2 car garage, while at the same time maintain their individual styling. Each basic model has three distinctly different styled exteriors. Each uniquely designed with rough sawn wood shingled roofs, roof covered patio, brick front porch, stone walkway, etc. blended with elegant landscaping to create a sculptural look that is in tune with the environment. The first thing you'll notice once inside a California-ish home is the spacious living room accented by the high vaulted rough hewn cedar ceiling with exposed beams and the thick shag pile carpeting. From there you can step down to the real drop-in self cleaning oven & range, garbage disposal, plus much, much more.

This limited view of the kitchen shows the real through-to-the-sky skylight which is indicative of the California-ish styling have a cup of coffee with us and pick up from the built in wet bar, while you gaze at standard features are G.E. dishwasher, G.E. to 6 p.m. - 7 Days.



Financing by First Federal Savings of the Palm Beaches.



Trendsetter Homes from \$48,900. Lots also available at Plantation.

## Trendsetter Homes

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

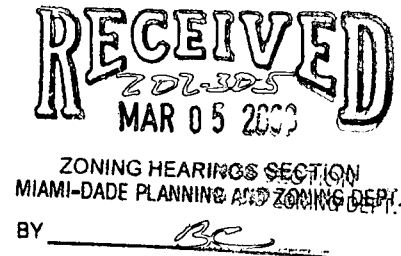
E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

March 5, 2003

**VIA HAND DELIVERY**

Mr. Nick Nitti  
Public Hearings Section  
Miami-Dade County  
Department of Planning and Zoning  
111 N.W. First Street, 11th Floor  
Miami, Florida 33128



Re: *H.R. Realty & Investments, Inc.*  
*Property Folio Number 30-6017-000-0051*  
*Miami-Dade County Zoning Hearing Application No. Z2002000305*

Dear Mr. Nitti:

Enclosed is a proposed Declaration of Restrictive Covenants in favor of Miami-Dade County limiting the density of the above-referenced property to no more than 195 residential dwelling units. Currently, the site plan associated with the instant zoning application is undergoing review by your Department's professional staff. Once the site plan has been fully reviewed and finalized, an executed copy of the enclosed declaration will be prepared and delivered to your attention.

Based upon the forgoing, we believe that Application No. Z2002000305 need not proceed to DIC review and, as such, respectfully request that the same be removed from any future DIC hearing schedules. Thank you for your assistance with this matter. If you have any questions regarding the forgoing or the enclosure, please do not hesitate to contact me at 305-375-6139.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. W. Riley, Jr.", written in a cursive style.

William W. Riley, Jr.

cc: Mr. Robert Coleman  
Stanley B. Price, Esquire

\\75303\\17476\\# 613881 v 1  
3/5/03 9:56 AM

**DRAFT**

This instrument prepared by :  
William W. Riley, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
2500 First Union Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2336

(Space Above For Recorder's Use Only)

**DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" attached hereto and made a part hereof (hereinafter called the "Property"); and

*WHEREAS*, the Owner has filed a zoning application with the Miami-Dade County Department of Planning and Zoning referred to as Public Hearing Application No. Z02-305; and

*IN ORDER TO ASSURE* the **Board of County commissioners and/or Community Zoning Appeals Board No. 15 of Miami-Dade County, Florida**, that the representations made to them by the Owner during consideration of Public Hearing No. Z02-305 will be abided by the Owner, its successors or assigns freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

- (1) That this Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County and is conditioned upon the approval of Public Hearing Application No. Z2002000305 by the Board of County Commissioners and/or Community Zoning Appeals Board No. 15 of Miami-Dade County, Florida and the expiration of all applicable appeal periods.
- (2) That said Property shall be developed substantially in accordance with the plans previously submitted and entitled "H.R. Realty & Investments, Inc." (the "Site Plan") as prepared by Consulting Engineering & Science, Inc., consisting of one (1) sheet, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this Declaration.
- (3) That the residential development of the Property shall be limited to no more than one hundred ninety-five (195) dwelling units.
- (4) **County Inspection**. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of

# DRAFT

## Declaration of Restrictions

Page 2

entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

- (5) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.
- (6) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by a majority of the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- (7) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Department of Planning and Zoning, or his or her successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
- (8) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit, pertaining to or arising out of this Declaration shall be entitled to recover, in



**DRAFT**

**Declaration of Restrictions**  
Page 3

addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his or her attorney. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

- (9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event payments or improvements or donations are not made in accordance with the terms of this Declaration, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- (10) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (11) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (12) **Severability.** Invalidity of any one of these covenants, by judgment of Court, in no way shall affect any of the other provisions which shall remain in full force and effect.
- (13) **Recording.** This Declaration shall become final and shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a final resolution approving the application.

Signed, witnessed, executed and acknowledged this \_\_\_\_ day of \_\_\_\_\_, 2002.

**Declaration of Restrictions**

Page 4

Witnesses:

H.R. REALTY & INVESTMENTS, INC., a Florida  
corporation

**DRAFT**

By: \_\_\_\_\_

Name: Farajollah Saedi, President

Address: 705 Arvida Parkway  
Miami, Florida 33156

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

## Page 5

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2002 by Farajollah Saedi, as President of H.R. REALTY & INVESTMENTS, INC., a Florida corporation who is personally known to me or produced a valid driver's license as identification.

My Commission Expires:

Sign Name:\_\_\_\_\_

Print Name:

Serial No. (None, if blank):

[NOTARIAL SEAL]

**DRAFT**

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

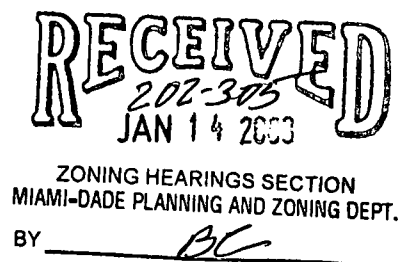
E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

January 14, 2003

**VIA HAND DELIVERY**

Mr. Robert Coleman  
Zoning Processor  
Miami-Dade County Department  
of Planning and Zoning  
Stephen P. Clark Center, Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128



Re: H.R. Realty & Investments, Inc.  
Miami-Dade County Zoning Hearing Application No. Z2002000305

Dear Mr. Coleman:

I am enclosing for your review a copy of the proposed site plan, floor plans, and elevation drawings illustrating the conceptualized residential development of the subject property.

As you may recall from our conversation, our client, H.R. Realty, has requested that sixty ~~contiguous~~ acres of land located immediately north of theoretical SW 232nd Street and intersected by theoretical SW 102nd Avenue be rezoned from its current classification of EU-M to RU-3M. The Land Use Plan Map of the Comprehensive Development Master Plan ("CDMP") designates the property as Low Density Residential, allowing up to six dwelling units per gross acre or, in the instant case, a maximum of 360 residential units per sixty gross acres of land. Our client, however, is proffering a Declaration of Restrictive Covenants (the "Declaration") proposing to limit the development of the property to density level not to exceed 182 residential homes. Enclosed herein is a copy of the proposed Declaration for your review.

The subject property is truly a unique parcel of land. It is situated south of S.W. 224th Street across Black Creek Canal in a landlocked portion of Miami-Dade County. The Homestead Extension of Florida's Turnpike is one parcel removed from the subject property to the west and theoretical S.W. 232nd Street abuts the property to the south. The east portion of the property, like its northern boundary, is also bordered by Black Creek Canal.

The unique character of the property is further compounded by the existence of an elongated lake, running nearly the full length of the parcel. In fact, the lake area encompasses approximately twenty-two acres of the sixty-acre tract and reduces the net acreage of the property to approximately

36% of land  
removed  
on water  
tract  
WWR

Mr. Skip Scofield  
January 14, 2003  
Page 2

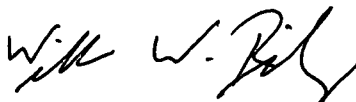
thirty-eight acres of land, resulting in a reduced developable area. The pending application seeks to utilize this unique parcel by improving the same with single-family residences while limiting the strains of development impact by proffering a Declaration that significantly limits the density level of the proposed development.

The requested change in the property's zoning classification is consistent with the CDMP and, in fact when viewed in conjunction with the proposed Declaration, it is well below the development impact level contemplated for this property. The requested district boundary change to RU-3M is also compatible with the zoning classifications and character of the surrounding area. The surrounding properties to the north, for instance, located immediately across Black Creek Canal, are zoned RU-TH (8.5 units per net acre) and RU-4L (23 units per net acre). To the north of these properties lies the LAKES BY THE BAY SECTION SIX SUBDIVISION as recoded in Plat Book 135 at page 73, which, like that being requested by the Applicant, is zoned RU-3M. The surrounding properties to the east, in turn, are zoned RU-1.

We believe that the proposed development, as shown on the site plan, will be a pleasant addition to the area. For instance, many of the proposed development lots are oversized, measuring 50' x 200' rather than the typical 50' x 100' lots. The proposed floor plans and conceptual elevation drawings display spacious and aesthetically pleasing homes that include a variety of models, dissimilar in both exterior and interior designs. Finally, approval of the application will result in the construction of a bridge over Black Creek Canal permitting access to the subject and adjoining properties.

Again, thank you for agreeing to review this pending application. As always, if you have any questions about the foregoing or enclosures, please do not hesitate to contact me at 305-375-6139. We look forward to your comments and suggestions.

Very truly yours,



William W. Riley, Jr.

WWRJr:cahb  
cc: Stanley B. Price, Esquire

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

E-mail: William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

December 13, 2002

**VIA HAND DELIVERY**

Ms. Diane O'Quinn Williams  
Miami-Dade County Department of  
Planning and Zoning  
Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

**RECEIVED**  
*112-305*  
**DEC 13 2002**

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY *AC*

***Re: H.R. Realty & Investments, Inc.  
Public Hearing Application No. 02-305***

**FIRST SUPPLEMENTAL LETTER OF INTENT**

Dear Ms. Williams:

In accordance with your Department rules and regulations, please accept this letter as a supplement to, and where inconsistent with, superseding, our formal letter of intent filed on October 7th, 2002, in connection with the above-referenced application. This firm represents H.R. Realty & Investments, Inc., the applicant and owner of the subject property.

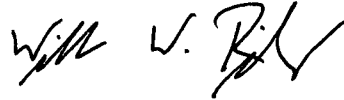
The Applicant still seeks a district boundary change from EU-M to RU-3M but intends, if the pending rezoning application is approved, to improve the subject property with not more than 182 single-family residential homes rather than the originally contemplated complex of single-family homes and townhouses with up to 195 units. This reduction in density, which is significantly below that allowed under the Miami-Dade County Comprehensive Development Master Plan (CDMP), will permit for many of the proposed homes to be built on oversized lots, measuring 50' x 200' rather than the typical 50' x 100' lots.

This request remains consistent with the Comprehensive Development Master Plan and compatible with the surrounding community. For your easy reference, I am attaching a copy of the October 7th, 2002 letter of intent, which is being modified hereby and a copy of the proposed Declaration of Restrictions limiting the development density to 182 homes.

Ms. Diane O'Quinn Williams  
Page 2  
December 13, 2002

In consideration of the foregoing, we look forward to your favorable review. Should you have questions or require additional information, you are welcome to call my office at 305-375-6139.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. W. Riley", with a stylized flourish at the end.

William W. Riley

WWR:cahb  
Enclosures  
cc: Stanley B. Price, Esquire

**BILZIN SUMBERG BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

200 SOUTH BISCAYNE BOULEVARD, SUITE 2500 • MIAMI, FLORIDA 33131-5340

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

**RECEIVED**  
202-305  
DEC 06 2002

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

BY BC

December 6, 2002

**VIA HAND DELIVERY**

Ms. Donna Jacoby  
Zoning Processor  
Miami-Dade County Department  
of Planning and Zoning  
Stephen P. Clark Center, Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

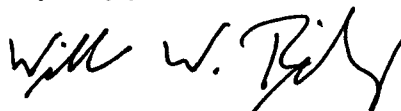
Re: H.R. Realty & Investments, Inc.  
Miami-Dade County Zoning Hearing Application No. Z2002000305

Dear Ms. Jacoby:

In connection with the above-referenced public hearing application, I attach a draft Declaration of Restrictions in favor of Miami-Dade County. Please be advised that the enclosure has been provided to Nancy Rubin, Esquire, for review to determine whether the same meets with the Department's approval.

As always, if you have any questions about the foregoing or enclosure, please do not hesitate to contact me at 305-375-6139.

Very truly yours,



William W. Riley, Jr.

WWRJr:cahb

cc: Stanley B. Price, Esquire



This instrument prepared by :  
William W. Riley, Esq.  
Bilzin Sumberg Baena Price & Axelrod LLP  
2500 First Union Financial Center  
200 South Biscayne Boulevard  
Miami, Florida 33131-2336

(Space Above For Recorder's Use Only)

### **DECLARATION OF RESTRICTIONS**

*WHEREAS*, the undersigned Owner holds the fee simple title to the land in Miami-Dade County, Florida, described in Exhibit "A" attached hereto and made a part hereof (hereinafter called the "Property"); and

*WHEREAS*, the Owner has filed a zoning application with the Miami-Dade County Department of Planning and Zoning referred to as Public Hearing Application No. Z02-305; and

*IN ORDER TO ASSURE* the **Board of County commissioners and/or Community Zoning Appeals Board No. 15 of Miami-Dade County, Florida**, that the representations made to them by the Owner during consideration of Public Hearing No. Z02-305 will be abided by the Owner, its successors or assigns freely, voluntarily and without duress, the Owner makes the following Declaration of Restrictions covering and running with the Property:

- (1) That this Declaration shall become final and shall be recorded in the Public Records of Miami-Dade County and is conditioned upon the approval of Public Hearing Application No. Z2002000305 by the Board of County Commissioners and/or Community Zoning Appeals Board No. 15 of Miami-Dade County, Florida and the expiration of all applicable appeal periods.
- (2) That said Property shall be developed substantially in accordance with the plans previously submitted and entitled "H.R. Realty & Investments, Inc." (the "Site Plan") as prepared by Consulting Engineering & Science, Inc., consisting of one (1) sheet, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this Declaration.
- (3) That the residential development of the Property shall be limited to no more than one hundred eighty-two (182) dwelling units.
- (4) **County Inspection**. As further part of this Declaration, it is hereby understood and agreed that any official inspector of Miami-Dade County, or its agents duly authorized, may have the privilege at any time during normal working hours of

## Declaration of Restrictions

Page 2

entering and inspecting the use of the premises to determine whether or not the requirements of the building and zoning regulations and the conditions herein agreed to are being complied with.

- (5) **Covenant Running with the Land.** This Declaration on the part of the Owner shall constitute a covenant running with the land and may be recorded, at Owner's expense, in the public records of Miami-Dade County, Florida and shall remain in full force and effect and be binding upon the undersigned Owner, and its heirs, successors and assigns until such time as the same is modified or released. These restrictions during their lifetime shall be for the benefit of, and limitation upon, all present and future owners of the real property and for the public welfare.
- (6) **Term.** This Declaration is to run with the land and shall be binding on all parties and all persons claiming under it for a period of thirty (30) years from the date this Declaration is recorded after which time it shall be extended automatically for successive periods of ten (10) years each, unless an instrument signed by a majority of the then owner(s) of the Property has been recorded agreeing to change the covenant in whole, or in part, provided that the Declaration has first been modified or released by Miami-Dade County.
- (7) **Modification, Amendment, Release.** This Declaration of Restrictions may be modified, amended or released as to the land herein described, or any portion thereof, by a written instrument executed by the then owner(s) of all of the Property, including joinders of all mortgagees, if any, provided that the same is also approved by the Board of County Commissioners or Community Zoning Appeals Board of Miami-Dade County, Florida or other procedure permitted under the Miami-Dade County Code, whichever by law has jurisdiction over such matters, after public hearing, if required. Should this Declaration of Restrictions be so modified, amended or released, the Director of the Department of Planning and Zoning, or his or her successor, shall forthwith execute a written instrument effectuating and acknowledging such modification, amendment or release.
- (8) **Enforcement.** Enforcement shall be by action against any parties or person violating, or attempting to violate, any covenants. The prevailing party in any action or suit, pertaining to or arising out of this Declaration shall be entitled to recover, in

**Declaration of Restrictions**

Page 3

addition to costs and disbursements allowed by law, such sum as the Court may adjudge to be reasonable for the services of his or her attorney. This enforcement provision shall be in addition to any other remedies available at law or in equity or both.

- (9) **Authorization for Miami-Dade County to Withhold Permits and Inspections.** In the event payments or improvements or donations are not made in accordance with the terms of this Declaration, in addition to any other remedies available, the County is hereby authorized to withhold any further permits, and refuse to make any inspections or grant any approvals, until such time as this Declaration is complied with.
- (10) **Election of Remedies.** All rights, remedies and privileges granted herein shall be deemed to be cumulative and the exercise of any one or more shall neither be deemed to constitute an election of remedies, nor shall it preclude the party exercising the same from exercising such other additional rights, remedies or privileges.
- (11) **Presumption of Compliance.** Where construction has occurred on the Property or any portion thereof, pursuant to a lawful permit issued by the County, and inspections made and approval of occupancy given by the County, then such construction, inspection and approval shall create a rebuttable presumption that the buildings or structures thus constructed comply with the intent and spirit of this Declaration.
- (12) **Severability.** Invalidation of any one of these covenants, by judgment of Court, in no way shall affect any of the other provisions which shall remain in full force and effect.
- (13) **Recording.** This Declaration shall become final and shall be filed of record in the public records of Miami-Dade County, Florida at the cost of the Owner following the adoption by the Miami-Dade County Board of County Commissioners or Community Zoning Appeals Board of a final resolution approving the application.

Signed, witnessed, executed and acknowledged this \_\_\_\_ day of \_\_\_\_\_, 2002.

**Declaration of Restrictions**

Page 4

Witnesses:

H.R. REALTY & INVESTMENTS, INC., a Florida  
corporation

\_\_\_\_\_

Print Name: \_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

By: \_\_\_\_\_

Name: Farajollah Saedi, President

Address: 705 Arvida Parkway  
Miami, Florida 33156

**Declaration of Restrictions**

Page 5

STATE OF FLORIDA                    }  
COUNTY OF MIAMI-DADE        } ss:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002 by Farajollah Saedi, as President of H.R. REALTY & INVESTMENTS, INC., a Florida corporation who is personally known to me or produced a valid driver's license as identification.

\_\_\_\_\_  
Notary Public

Sign Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

My Commission Expires:

Serial No. (None, if blank): \_\_\_\_\_

[NOTARIAL SEAL]

**BILZIN SUMBERG DUNN BAENA PRICE & AXELROD LLP**

A PARTNERSHIP OF PROFESSIONAL ASSOCIATIONS

2500 FIRST UNION FINANCIAL CENTER

200 SOUTH BISCAYNE BOULEVARD • MIAMI, FLORIDA 33131-2336

TELEPHONE: (305) 374-7580 • FAX: (305) 374-7593

E-MAIL: INFO@BILZIN.COM • WWW.BILZIN.COM

BROWARD: (954) 356-0030

E-mail: William W. Riley, Jr., Esquire  
Direct Dial: (305) 375-6139  
Direct Facsimile: (305) 351-2285  
E-mail: [wriley@bilzin.com](mailto:wriley@bilzin.com)

**RECEIVED**  
OCT 7 - 2002

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

October 7, 2002 BY \_\_\_\_\_

**VIA HAND DELIVERY**

Ms. Diane O'Quinn Williams  
Miami-Dade County Department of  
Planning and Zoning  
Eleventh Floor  
111 N.W. First Street  
Miami, Florida 33128

***Re: H.R. Realty & Investments, Inc.***

**LETTER OF INTENT**

Dear Ms. Williams:

Please consider this correspondence as our formal Letter of Intent in connection with the Department's rules and regulations for filing a Miami-Dade County Department of Planning and Zoning Application for Public Hearing. This firm represents H.R. Realty & Investments, Inc. (the "Applicant"), which is the owner of approximately 60.0000 contiguous acres of land (hereinafter the "Property") located to the south of Black Creek Canal, along theoretical S.W. 102nd Avenue, and north of S.W. 232nd Street.

The Applicant seeks a district boundary change from the Property's current EU-M classification to RU-3M. The Land Use Plan Map of the Comprehensive Development Master Plan ("CDMP") designates the Property as Low Density Residential, allowing up to 6 dwelling units per gross acre or, in the instant case, a maximum of 360 residential units per 60 gross acres of land. The Applicant, however, is prepared to proffer a Declaration of Restrictive Covenants to limit the development of the Property to density level not to exceed 195 residential dwelling units. The requested change in the Property's zoning classification, therefore, is consistent with the CDMP.

The Application is also consistent with policies contained in the CDMP Land Use Element. For as noted in the CDMP text, the Low Density Residential land use designation is generally characterized by the development of single family housing, such as single family detached homes, cluster, zero lot line and townhouses. Additionally, the CDMP notes that

Ms. Diane O'Quinn Williams

Page 2

October 7, 2002

"[r]esidential communities having a variety of housing types, such as standard single-family detached homes, zero-lot-lines, townhouse, other single-family attached homes, and multifamily units, are encouraged by this plan," provided that the maximum gross density is not exceed. CDMP I-27. In accordance with the general character of the area and in an effort to provide the its residents with a variety of housing types, the Applicant intends, if this application is approved and the Property rezoned, to improve the Property by developing single-family detached homes and townhouses thereon. Additionally, the proposed development of 195 dwelling units is far below the density level permitted by the Low Density designation.

The requested district boundary change to RU-3M is also compatible with the zoning classifications existing in the surrounding area. The surrounding properties to the north, for instance, located immediately across Black Creek Canal, are zoned RU-TH (8.5 units per net acre) and RU-4L (23 units per net acre). To the north of these properties lies the LAKES BY THE BAY SECTION SIX SUBDIVISION as recoded in Plat Book 135 at page 73, which, like that being requested by the Applicant, is zoned RU-3M. The surrounding properties to the east, in turn, are zoned RU-1. Surrounding properties to the south and east of the Property are zoned AU (seasonal agriculture).

On October 3rd, 2002, Community Zoning Appeals Board 15 ("CZAB 15") passed and adopted a request for a district boundary change on Public Hearing Application Z01-333.<sup>1</sup> In recommending partial approval of this application and commenting on the development character of the area, the Miami-Dade County Department of Planning and Zoning professional staff noted that "[a] 54±-acre parcel located on the northeast corner of SW 248 Street and SW 112 Avenue was recently approved for a combined townhouse and single-family residential subdivision consisting of approximately 325 units . . . [and] a 334-unit PAD was approved to the southwest" of that area. Additionally, staff noted that the agricultural area located to the southwest of the Property, across the Florida Turnpike Extension, was considered to be "in a transition from rural agriculture to urban residential." Further, as noted on the Record of the October 3rd CZAB 15 public hearing, the Declaration of Restrictions accompanying adopted application Z01-333 provides for the construction of a new charter school and fire rescue station to service the area.

From the above review of the character of the "neighborhood" surrounding the subject Properties it is evident that the proposed rezoning of the Properties to RU-3M would be consistent with the policies set forth in the CDMP. The proposed rezoning of the Properties would complement the intensity and design of the surrounding area and will promote the housing

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<sup>1</sup> The hearing packet for Application Z01-333, proposing the development of 267 homes and approved by CZAB 15 on October 3rd, 2002, is attached as Exhibit "B".

Ms. Diane O'Quinn Williams

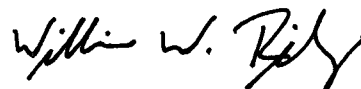
Page 3

October 7, 2002

variety goals of the CDMP. The proposed district boundary change to RU-3M, overall, meets the goals, objectives and policies of the CDMP and will not have a detrimental effect on the surrounding area. Therefore, we respectfully request the Department's support for the application.

Further, we are aware of recent amendments to the zoning code, and we understand that your staff no longer requires the submittal of site, floor, elevation, or landscape plans with an application for a residential district boundary change. However, we would be pleased to meet with you or with members of your staff as you begin your review of the application to present illustrations of the proposed development. We want to answer any questions or provide any additional information or documentation which you might find helpful. If we can be of assistance, please do not hesitate to contact me at (305) 375-6139.

Very truly yours,



William W. Riley

WWR:cahb

Enclosures

cc: Stanley B. Price, Esquire